



THE STATE EDUCATION DEPARTMENT / THE UNIVERSITY OF THE STATE OF NEW YORK / ALBANY, NY 12234

TO: The Honorable the Members of the Board of Regents

FROM: Mark Schaming
Daniel Morton-Bentley 

SUBJECT: Proposed Commencement of a Proceeding by the Board of Regents for the Removal of the Trustees of the Mount Vernon Public Library

DATE: February 14, 2022

AUTHORIZATION(S):

SUMMARY

Issue for Decision

Should the Board of Regents commence a proceeding, pursuant to Education Law § 226 (4) and § 3.31 of the Rules of the Board of Regents, for the removal of Oscar Davis Jr., Cathlin Gleason-Boncardo, Hope Marable, Vivien Salmon, and Judy Williams-Davis, as Trustees of the Mount Vernon Public Library?

Reason(s) for Consideration

Required by State statute and regulation.

Proposed Handling

This issue will come before the Full Board at its February 2022 meeting where it will be voted on and action taken.

Procedural History

Not applicable.

Background Information

Removal Proceedings, Generally

The Regents may remove any trustee of a corporation created by them for misconduct, incapacity, neglect of duty, or where it appears to the satisfaction of the Regents that the corporation has failed or refuses to carry into effect its educational purposes (see Education Law § 226 [4]). Although the Regents were granted this authority over 100 years ago, there appears to have been only four formal trustee removal proceedings before the Regents, each of which was commenced by a third-party. The Regents may take action on their own motion and may rely upon any information that they have acquired in the course of their official duties. The procedures for such proceedings are contained in the Rules of the Board of Regents (8 NYCRR § 3.31) and, as applicable here, begin with a vote by the Board and service of an Order to Show Cause and Petition.

Proposed Proceeding for the Removal of the Trustees of the Mount Vernon Public Library

The Mount Vernon Public Library (MVPL or “the Library”) is a school district public library, chartered by the Regents on March 19, 1896. MVPL’s charter was last amended by the Regents on June 18, 2013. The Library is designated the “Central Library” for the Westchester Library System. According to 2020 Census figures, MVPL serves a population of 73,893 individuals. The Library’s annual income as reported on the 2019 Annual Report was \$4,685,342. The overwhelming majority of these funds (\$4,656,067) are local public funds approved by public vote and corresponding levy. The Library’s five-member Board of Trustees is elected by public vote. The Department proposes three charges against the Trustees, as set forth in the proposed Order to Show Cause (Attachment A) and Verified Petition (Attachment B). These charges are summarized below.

I. Failure to complete registration as directed by the Department.

After its June 2013 charter amendment, and due to changes in the Library’s governance and funding structures, the New York State Library (NYSL) undertook a registration review to assist the Library and its Board of Trustees in stabilizing operations and ensuring legal compliance, including minimum registration standards. Registration by the New York State Education Department (“SED” or the “Department”) is required for chartered libraries and is necessary for the Library to receive local and State funds.

By letter of July 12, 2021, the NYSL advised the Trustees and Director of MVPL of the new registration standards effective January 1, 2021 (see 8 NYCRR 90.2) and directed that the MVPL Board demonstrate its compliance by submitting an initial application by November 1, 2021 and complete its registration by March 31, 2022. The NYSL also indicated that all Board of Trustee members required (re)training with

respect to their duties and responsibilities. Such training was provided to the Board on July 22, 2021 and included the roles and responsibilities of library trustees, chartering and registration of public libraries in New York, fiscal oversight responsibilities, and the role of central libraries. The NYSL's Handbook for Library Trustees of New York State (<https://www.nysl.nysed.gov/libdev/trustees/handbook/>) identifies these requirements for members and was included in the training.

To further assist MVPL's Board of Trustees with completing its registration, NYSED provided voluminous information and materials, including a timeline for Completing the Registration; a copy of Commissioner's Regulation 90.2 Standards for Registration; the forms and instructions for registration, and copies of the Library policies required for registration. NYSED also offered the assistance of the Westchester Library System Executive Director, Dr. Terry Kirchner, to prepare the required documents. The July 12, 2021 letter apprised the trustees of the potential for serious consequences if it failed to act, including the loss of public funding, revocation of the Library's charter, and potential removal of the trustees for neglect of duty or failure/refusal to carry out the library's educational purposes.

Due to the neglect of duty and/or refusal of the Trustees, and despite training and technical assistance, the MVPL's registration is still not complete. While MVPL submitted documents to the Westchester Library System for review, the submissions did not meet the minimum requirements of 8 NYCRR 90.2 and were not approved.

II. Failure to submit a 2020 annual report and consequential loss of funding

Each library within the University of the State of New York is required to submit an annual report to the Department by March 31. MVPL submitted an incomplete report for the year 2020 on or about July 16, 2021, which utilized outdated financial data from 2019. The Department, through the NYSL, sent a letter dated September 15, 2021 to the Trustees confirming that the Library failed to submit an approvable 2020 Annual Report by the extended deadline of August 27, 2021. The NYSL's September 15, 2021 letter also served as official notification that, as a result of this failure and by operation of Regents Rule 11.4, MVPL was not eligible for a 2021/2022 Local Library Services Aid Payment of \$19,221. This letter also officially notified the MVPL's Board of Trustees that a "stop payment order" on all State funds from the Department to the Library was in place until MVPL submitted a complete and approvable 2020 Annual Report. To date, MVPL has not submitted such a report and the "stop payment" is still in effect. Funds forfeited and/or withheld thus far include:

- a. 2021 LLSA State Aid - \$19,221;
- b. 2020/2021 State Aid for Library Construction Project Award - \$61,237 – final project approval and all payments withheld, and;
- c. Final 10% payments for Construction Projects for 2017/2018 - \$7,687; 2018/2019 - \$13,477; and 2019/2020 - \$18,677.

MVPL's failure to submit its 2020 Annual Report also caused the Library to fail to meet Maintenance of Effort (MOE) requirements for Central Libraries under Education Law §272 (1)(j)(2). As a result, the Westchester Library System may lose twenty-five percent (25%) of the 2022 State funding for Central Library Services Aid. This loss of 2022 State funds, estimated at \$89,000, would harm all of the system's member libraries and the patrons who benefit from Central Library services.

III. Failure to maintain accurate financial records and account for spending

Among a library trustee's most fundamental duties is to safeguard the monies a library receives from taxes and other public sources. The training provided to the Trustees and the Library Trustee Handbook underscore these duties, reiterating that trustees have a fiduciary responsibility to use financial resources to efficiently and effectively meet the institution's goals and to secure adequate funding for the library's service program.

The NYSL and the Regents received a Summary Report dated September 7, 2021 issued by the accounting firm "DSJCPA" a/k/a "Damasco, Sena & Jahelka LLP" concerning the Library's finances. According to the Summary Report, the Library's Board of Trustees appointed DSJCPA as the Library's Treasurer on July 7, 2021 to review MVPL's financial records from July 2014 through July 2021. The report reveals serious issues with internal fiscal procedures, including missing bank statements and multiple missing records of fiscal transactions. Of note, DSJCPA observed "1,408 transactions that were not in the general ledger for the seven-year period spanning from 2014– 2021." DSJCPA also asserted that:

- Unidentified "transactions" included payroll information;
- Cash receipts and cash disbursements (liabilities) were not posted in their proper periods as required by accounting principles generally accepted in the United States of America ("U.S. GAAP"); and
- Bank accounts and debit card purchases included "questionable transactions that are not consistent with a library's normal course of business."

The Department and NYSL submit that these actions and inactions on the part of the Library's Trustees are a neglect of duty which have caused, and will continue to cause, MVPL to lose State and local public funds; may result in forfeiture of MVPL's eligibility for membership in the Westchester Library System; may result in the loss of MVPL's designation as the Central Library for Westchester Library System; and jeopardize the MVPL's ability to carry out its educational purpose, warranting removal of Respondents as set out in the proposed Verified Petition.

Related Regents Items

Not applicable.

Recommendation

It is recommended that the Board of Regents take the following action:

VOTED: The Board of Regents approves the issuance and service of an Order to Show Cause and Verified Petition seeking the removal of Oscar Davis Jr., Cathlin Gleason-Boncardo, Hope Marable, Vivien Salmon, and Judy Williams-Davis as Trustees of the Mount Vernon Public Library pursuant to Education Law § 226 (4) and § 3.31 of the Rules of the Board of Regents.

Timetable for Implementation

If approved at the February Regents' meeting, the initiating papers will be served forthwith. Further proceedings will be conducted in accordance with Section 3.31 of the Rules of the Board of Regents. Central steps will include:

- Service of the pleadings and filing of an Answer and other documentation by Respondents.
- Upon completion and review of the record by the Counsel, the appropriate standing committee of the Board of Regents, as designated by the Chancellor of the Board of Regents, shall, after consultation with the Counsel, make a recommendation to the full Board of Regents as to whether or not a hearing should be conducted pursuant to Education Law § 226 (4).
- In determining whether a hearing is to be conducted, the Board of Regents may accept or reject the recommendations of the standing committee.
- If the Board determines that a hearing is required, the Chancellor shall designate no fewer than three members of the Board of Regents to convene as a panel to conduct a hearing in the proceeding to consider removal of the trustees. The Chancellor shall designate one of the panel members to be panel chair.
 - Respondent trustees shall be given at least 10 days' notice in writing of the time and place of such evidentiary hearing, over which the panel chair will preside.
 - Upon conclusion of the hearing, a record will be made and the panel will make a written recommendation to the Board of Regents, which may adopt or reject the recommendation, or remand to the panel for further proceedings.
 - The decision of the Board shall be in writing and constitute the final determination.
- If the Board determines that a hearing is not required, it shall issue a written decision dismissing the application and such decision shall constitute the final determination of the Board in such proceeding.

**BOARD OF REGENTS OF THE UNIVERSITY OF THE
STATE OF NEW YORK/STATE EDUCATION DEPARTMENT**

In the Matter of the Application by the
New York State Board of Regents, Petitioner, pursuant to
Education Law § 226 (4), for the Removal of:

Oscar Davis Jr.;
Cathlin Gleason-Boncardo;
Hope Marable;
Vivien Salmon; and
Judy Williams-Davis

ORDER TO SHOW CAUSE

Respondents, as Trustees of the Mount
Vernon Public Library.

**TO: OSCAR DAVIS JR.,
CATHLIN GLEASON-BONCARDO,
HOPE MARABLE,
VIVIEN SALMON,
and JUDY WILLIAMS-DAVIS**

PLEASE TAKE NOTICE that, pursuant to Education Law §226 (4) and § 3.31 of the Rules of the Board of Regents (a copy of which is annexed), the New York State Board of Regents, as Petitioner, has commenced this application against you and approved service this Order to Show Cause and accompanying Verified Petition through a vote on February 15, 2022, seeking your removal from the Board of Trustees of the Mount Vernon Public Library.

PLEASE TAKE FUTHER NOTICE that, pursuant to Education Law §226 (4) and § 3.31 of the Rules of the Board of Regents, you are hereby ordered to show cause as to why you should not be removed as Trustee of the Mount Vernon Public Library upon the grounds more thoroughly set forth in the accompanying Verified Petition.

PLEASE TAKE FURTHER NOTICE that, you are required to transmit your Answer to such application, duly verified, with an affidavit of service of a copy thereof upon the Board of Regents' counsel, Daniel Morton-Bentley, Office of Counsel, New York State Education Department, State Education Building Room 112, Albany, New York 12234, or the charges contained in the Verified Petition will be deemed to be admitted by you.

PLEASE TAKE FURTHER NOTICE that your Answer must conform with the provisions of § 3.31 of the Rules of the Board of Regents, which are available from the Office of Counsel, New York State Education Department, State Education Building, Albany, New York. Such Rules require that an Answer to the Verified Petition must be served upon the Board of Regent's counsel, within 20 days after the service of the Petition, and that an additional copy of such Answer, as well as copies of the affidavit of verification and the affidavit proving the service of the Answer must, within five days after such service, be filed with the Appeals Coordinator, Office of Counsel, New York State Education Department, State Education Building Room 148, Albany, New York 12234.

Dated: Albany, New York
February __, 2022

Yours, etc.,

Lester W. Young
Chancellor
New York State Board of Regents

Daniel Morton-Bentley, Esq.
Counsel and Deputy Commissioner
For Legal Affairs
New York State Education Department
89 Washington Avenue – Rm. 112
Albany, New York 12234

8 CRR-NY 3.31
NY-CRROFFICIAL COMPILATION OF CODES, RULES AND REGULATIONS OF THE STATE OF NEW YORK
TITLE 8. EDUCATION DEPARTMENT
CHAPTER I. RULES OF THE BOARD OF REGENTS
PART 3. UNIVERSITY OF THE STATE OF NEW YORK; STATE EDUCATION DEPARTMENT
INCORPORATION

8 CRR-NY 3.31

8 CRR-NY 3.31

3.31 Removal of trustees.

The provisions of this section shall apply to a proceeding pursuant to Education Law section 226(4) for the removal of a trustee or trustees of a corporation (institution) created by the Board of Regents, for misconduct, incapacity, neglect of duty and/or failure or refusal of the institution to carry into effect its educational purposes.

(a) Initiation of proceeding.

An application seeking removal shall be made upon either a verified petition brought by a petitioner who is aggrieved by the actions of the trustee or trustees, or upon a proceeding brought by the Board of Regents of its own initiative. In the event such proceeding is instituted by the Board of Regents, it shall be commenced upon a vote by the Board and service of an order to show cause, and thereafter the procedure as set forth in this section shall be followed so far as applicable.

(b) Parties.

The party making an application upon a verified petition shall be known as petitioner and any adverse party, as respondent. After an application is made in accordance with these rules, no party shall be joined or be permitted to intervene, except by leave or direction of the Board of Regents as provided herein.

(c) Pleadings.

(1) Types of pleadings. There shall be a petition, an answer, and, if new material is alleged in the answer, a reply thereto. No other pleading will be permitted, except as provided in paragraph (2) of this subdivision.

(2) Additional pleadings. The Counsel and Deputy Commissioner for Legal Affairs of the State Education Department (the counsel) may permit or require the service and filing of additional pleadings upon such terms and conditions as he or she may specify. An additional pleading may be served upon all other parties and filed with the office of counsel only with the prior written permission of the counsel, granted upon application of the party desiring to submit such pleading. The proposed pleading shall accompany such application, and both the application and the proposed pleading shall be served upon all other parties in accordance with subdivision (g) of this section.

(3) Form of pleadings. All pleadings and affidavits shall be submitted in typewritten form, double spaced, on white paper 8½ by 11 inches in size, and shall set forth the allegations of the parties in numbered paragraphs. Such pleadings shall be addressed "To the Board of Regents of the University of the State of New York/State Education Department", and shall be filed in accordance with the provisions of subdivision (h) of this section.

(d) Names of parties or attorneys to be endorsed on all papers.

All pleadings and papers submitted to the Board of Regents in connection with an application seeking removal shall be endorsed with the name, post office address and telephone number of the party submitting the same, or, if a party is represented by counsel, with the name, post office address and telephone number of such party's attorney.

(e) Verification.

(1) All pleadings shall be verified. The petition shall be verified by the oath of at least one of the petitioners. An answer shall be verified by the oath of the respondent submitting such answer. If two or more respondents are united in interest, verification of the answer shall be made by at least one of them who is familiar with the facts.

(2) Affidavit of verification. The affidavit of verification shall be in the following form:
STATE OF NEW YORK)

..) ss.: _____
 COUNTY OF ____)
 _____ being duly sworn, deposes and says that (s)he is _____ in this proceeding; that (s)he has read the annexed
 _____ and knows the contents thereof; that the same is true to the knowledge of deponent except as to the matter therein
 stated to be alleged upon information and belief, and as to those matters (s)he believes it to be true.

 (signature)

Subscribed and sworn to before me
 this ____ day of __ 20 __

(signature and title of officer)

(f) Oaths.

All oaths required by this section may be taken before any person authorized to administer oaths within the State of New York. The statement of an attorney admitted to practice in the courts of this State and appearing in an appeal as attorney of record or of counsel to the attorney of record, when subscribed and affirmed by him to be true under the penalty of perjury, may be served or filed in the appeal in lieu of and with the same force and effect as an affidavit.

(g) Service of pleadings and supporting papers.

(1) Petition. A copy of the petition, together with all of the petitioner's affidavits, exhibits, and other supporting papers, except a memorandum of law or affidavit in support of a reply, shall be personally served upon each named respondent, or, if a respondent cannot be found upon diligent search, by delivering and leaving the same at such respondent's residence with some person of suitable age and discretion, between six o'clock in the morning and nine o'clock in the evening, or as otherwise directed by the Counsel. Pleadings may be served by any person not a party to the proceeding and who is over the age of 18 years.

(2) Subsequent pleadings and papers. All subsequent pleadings and papers shall be served upon the adverse party, or if the adverse party is represented by counsel, upon such party's attorney. When the same attorney appears for two or more parties, only one copy need be served upon such attorney. Service of all pleadings subsequent to the petition shall be made by personal service, by United States mail or by private express delivery service. Service by mail shall be complete upon deposit of the paper enclosed in a postpaid properly addressed wrapper, in a post office or official depository under the exclusive care and custody of the United States Postal Service within the State. Service by private express delivery service shall be complete upon delivery of the paper enclosed in a properly addressed wrapper to an employee or agent of such private express delivery service or by deposit of such paper, properly addressed and wrapped, in a depository of such private express delivery service within the State. If the last day for service of any pleading or paper subsequent to the petition falls on a Saturday or Sunday, service may be made on the following Monday; and if the last day for such service falls on a legal holiday, service may be made on the following business day.

(h) Filing and fee.

(1) Within five days after the service of any pleading or paper, the original, together with the affidavit of verification and an affidavit proving the service of a copy thereof, shall be transmitted to the Office of Counsel, New York State Education Department, State Education Building, Albany, New York 12234. The affidavit of service shall be in substantially the following form and shall indicate the name and official character of the person upon whom service is made:

FORM FOR AFFIDAVIT OF

PERSONAL SERVICE

STATE OF NEW YORK)

..) ss.: _____
 COUNTY OF ____)

_____ being duly sworn, deposes and says that (s)he is over the age of eighteen years and is not a party in this proceeding; that on the ____ day of _____, 20__, at No. _____ Street, in the (city/village/town) of _____, county of _____, State of New York, (s)he served the annexed _____ on _____ by delivering to and leaving with said _____ at said time and place a true copy thereof.

Deponent further says (s)he knew the person so served to be the said _____, who is _____ in said district.

 (Signature)

Subscribed and sworn to before me
 this ____ day of __ 20 __

(Signature and title of officer)

FORM FOR AFFIDAVIT OF

SERVICE BY MAIL

STATE OF NEW YORK)

..) ss.:
COUNTY OF ___)

_____ being duly sworn, deposes and says that (s)he is over the age of eighteen years and is not a party in this proceeding; that on the ___ day of _____, 20___, deponent served the within upon _____ in this action, at _____, the address designated by _____ for that purpose, by depositing a true copy of the same by mail, enclosed in a post paid properly addressed wrapper, in _____ a post office _____ official depository under the exclusive care and custody of the United States Post Office Department within the State of New York.

(Signature)

Subscribed and sworn to before me
this ___ day of __ 20 __

(Signature and title of officer)

FORM FOR AFFIDAVIT OF SERVICE OF

PRIVATE EXPRESS DELIVERY SERVICE

STATE OF NEW YORK)

..) ss.:
COUNTY OF ___)

_____, being duly sworn, deposes and says that (s)he is over the age of eighteen years and is not a party in this proceeding; that on the ___ day of _____, 20___, deponent served the within upon _____ in this action, at _____, the address designated by _____ for that purpose, (by delivering a true copy of the same, enclosed in a properly addressed wrapper, to an employee/agent of _____ (name of private express delivery service) _____, for delivery to said party at said address) OR (by depositing a true copy of the same, enclosed in a properly addressed wrapper, in a depository of _____ (name of private express delivery service) _____ within the state, for delivery to said party at said address).

(Signature)

Subscribed and sworn to before me
this ___ day of __ 20 __

(Signature and title of officer)

(2) Filing fee. A fee of \$20, payable to the State Education Department, shall accompany the filing of a petition. The requirement of a filing fee may be waived, at the discretion of the counsel, upon application by a petitioner in the form of an affidavit by petitioner or petitioner's attorney. Such affidavit shall set forth the amount and sources of all income of petitioner, whether taxable or not; shall list all property held by petitioner, including real estate, personal property and bank accounts, together with the total value of each category; and shall state that the petitioner is unable to pay the fee necessary to initiate the proceeding.

(i) Contents of petition.

(1) The petition shall contain a clear and concise statement of the petitioner's claim showing that the petitioner is entitled to relief, and shall further contain a demand for the relief to which the petitioner deems himself entitled. The relief granted by the Board of Regents may extend beyond the relief requested in the petition. Such statement of claim must be sufficiently clear to advise the respondent of the nature of petitioner's claim and of the specific act or acts complained of. The petition must distinctly state the alleged misconduct, incapacity, neglect of duty and/or failure or refusal of the institution to carry into effect its educational purposes, together with the facts by which such charges are established; such facts must be set forth with such certainty as to time, place and all other pertinent details, so as to furnish sufficient information for the respondent to adequately prepare and present a defense to the charges.

(2) The petition must include a notice to the respondent(s) in substantially the following form:

PLEASE TAKE NOTICE that the petition and affidavits, copies of which are herewith served upon you, will be presented to the Board of Regents at Albany, and application thereon made for your removal as trustee of ____ (name of institution) ____, and that you are required to transmit your answer to such application, duly verified, with an affidavit of service of a copy thereof upon petitioner, to the Office of Counsel, New York State Education Department, State Education Building, Albany, New York 12234, or the charges contained in such petition and affidavit will be deemed to be admitted by you.

Please take further notice that your answer must conform with the provisions of section 3.31 of the Rules of the Board of Regents relating to proceedings seeking the removal of trustees of corporations created by the Board of Regents, copies of which are available from the Office of Counsel, New York State Education Department, State Education Building, Albany, New York 12234. An answer to the petition must be served upon petitioner, or if he or she be represented by counsel, upon petitioner's counsel, within 20 days after the service of the petition, and that a copy of such answer must, within five days after such service, be filed with the Office of Counsel, New York State Education Department, State Education Building, Albany, New York 12234.

.....

 (signature)

.....

 P.O. Address

(j) Contents of answer.

The answer of each respondent shall contain a clear and concise statement of respondent's defenses to each claim in numbered paragraphs corresponding to the numbered paragraphs in the petition, and shall either admit, deny or deny knowledge of information sufficient to form a belief as to the truth of the allegations of the petition. In addition, each respondent may set forth affirmative defenses. If more than one respondent has been named and served and if common questions of law or fact are involved, the respondents, if otherwise united in interest, may submit a joint answer to the petition.

(k) Service of answer and supporting papers.

Each respondent upon whom a copy of the petition has been served shall, within 20 days from the time of such service, answer the same, either by concurring in a statement of facts with the petitioner or by service in the manner set forth in paragraph (g)(2) of this section of an answer, together with all of respondent's affidavits, exhibits and other supporting papers, except a memorandum of law. The date upon which personal service was made upon respondent shall be excluded in computation of the 20-day period.

(l) Reply.

The petitioner shall reply to each affirmative defense contained in an answer. The reply, together with any affidavits which shall be limited to support of such reply, shall be served within 10 days after service of the answer to which it responds in the manner set forth in paragraph (g)(2) of this section. If the answer has been served by mail upon petitioner or petitioner's counsel, the date of mailing and the four days subsequent thereto shall be excluded in computing the 10-day period.

(m) Limitation of time for initiation of proceeding.

If, in the sound discretion of the Board of Regents, petitioner has unduly delayed in filing a petition, the Board of Regents may dismiss the petition.

(n) Amicus curiae.

The Counsel may, in his or her sole discretion and upon written application submitted at or before oral argument, permit interested persons or organizations to submit memoranda of law amicus curiae in connection with a pending proceeding. Those permitted to submit memoranda amicus curiae shall not be considered parties to the proceeding and shall not be entitled to receive copies of pleadings and papers pertaining thereto or to participate in any hearings held in connection with such proceedings.

(o) Extensions of time to answer or reply.

No extension of time to answer the petition or to reply to an answer will be granted by the counsel unless timely application is made therefor, upon notice to all parties. Such application shall be in writing, addressed to the office of counsel, must be postmarked not later than five days prior to the date on which the time to answer or reply will expire, and shall set forth in full the reasons for the request. The time to answer a pleading may not be extended solely by stipulation of the parties or their counsel.

(p) Memoranda of law.

Memoranda of law, consisting of the parties' arguments of law, shall be submitted by each party to the proceeding. The petitioner shall serve a copy of petitioner's memorandum of law upon every other party to the proceeding in the manner provided by paragraph (g)(2) of this section, and shall file such memorandum of law, with proof of service thereof, in accordance with subdivision (h) of this section, within 20 days after service of the answer. Each respondent shall serve a copy of respondent's memorandum of law, upon every other party in the manner provided by paragraph (g)(2) of this section and shall file such memorandum of law with proof of service thereof in accordance with subdivision (h) of this section, within 30 days after service of the answer. Where the answer is

served upon petitioner or petitioner's counsel by mail, the date of mailing and the four days subsequent thereto shall be excluded in the computation of the 20-day period in which petitioner's memorandum of law must be served and filed. Reply memoranda shall be served and filed, with proof of service, in accordance with paragraph (g)(2) and subdivision (h) of this section, within 10 days after service of the adverse party's memorandum of law. Where the adverse party's memorandum is served by mail, the date of mailing and the four days subsequent thereto shall be excluded in the computation of such 10-day period for service of the reply memorandum. The counsel, in his or her sole discretion, may permit the late filing of memoranda of law upon written application by a party, setting forth good cause for the delay and demonstrating the necessity of such memoranda to a determination of the proceeding, together with proof of service of a copy of such application upon all other parties to the appeal. Failure to comply with the filing deadlines set forth herein and in subdivisions (k) and (l) are grounds for rejection of said papers.

(q) Additional affidavits, exhibits and other supporting papers.

The counsel may permit or require the service and filing of affidavits, exhibits and other supporting papers, in addition to those served in accordance with subdivisions (g), (k) and (l) of this section, upon such terms and conditions as the counsel may specify. Such affidavits, exhibits and other supporting papers may be served upon all other parties and filed with the office of counsel only with the prior permission of the counsel, granted upon application of the party desiring to submit such document. The affidavits, exhibits and other supporting papers shall accompany such application, and the application, together with the affidavits, exhibits and other supporting papers, shall be served upon all other parties in accordance with paragraph (g)(2) of this section.

(r) Records and reports.

Consistent with the provisions of subclause (u)(2)(vi)(a)(3) of this section, the Board of Regents may, in its discretion, in the determination of the proceeding, take into consideration any official records or reports on file in the State Education Department which relate to the issues involved in such proceeding.

(s) Review by counsel.

Upon the filing of the pleadings, memoranda of law and any additional affidavits, exhibits and other supporting papers, the counsel shall review the entire record. The counsel may request from the parties and/or independently obtain additional information, through visitation of the institution by the department or an independent third party or otherwise. Such information may, in the counsel's discretion, be made a part of the record after notice and an opportunity to respond is provided to the parties.

(t) Recommendation.

Upon completion and review of the record by the counsel, the appropriate standing committee of the Board of Regents, as designated by the Chancellor of the Board of Regents, shall, after consultation with the counsel, make a recommendation to the full Board of Regents as to whether or not a hearing should be conducted pursuant to Education Law section 226(4). In determining whether a hearing is to be conducted, the Board of Regents may accept or reject the recommendations of the standing committee. The Board of Regents may determine that a hearing is not required where, among other things, petitioner has not raised facts which, if proven true, would warrant removal under Education Law section 226. If the board determines that a hearing is not required, it shall issue a written decision dismissing the application and such decision shall constitute the final determination of the board in such proceeding.

(u) Hearing.

If the board determines that a hearing is required, the chancellor shall designate no fewer than three members of the Board of Regents to convene as a panel to conduct a hearing in the proceeding to consider removal of the trustee or trustees. The chancellor shall designate one of the panel members to be panel chair.

(1) Notice. Respondent trustee or trustees shall be given at least 10 days notice in writing of the time and place of such hearing.

(2) Hearing procedures.

(i) Motions. The panel chair, at his or her discretion, may entertain and rule upon dispositive motions.

(ii) Discovery. Formal discovery procedures and formal procedures for bills of particulars shall not apply. However, the panel chair may provide for discovery and depositions to the extent and in the manner appropriate to the proceedings. Depositions may be permitted at the discretion of the panel chair upon a finding that they are likely to provide information relevant and material to the issues presented and to expedite the proceeding.

(iii) Subpoenas. Subpoenas may be issued by the panel chair or, with the consent of the panel chair, by any attorney for a party who has been duly admitted to the practice of law in the State of New York. Parties requesting the panel chair to issue a subpoena shall submit a written request describing with particularity the persons or items for which a subpoena is sought and establishing the necessity therefor. Subpoenas shall be served in any manner permitted by the Civil Practice Law and Rules. The party on whose behalf a subpoena is issued shall be responsible for serving the subpoena and for payment of all required fees.

(iv) Evidence.

(a) The panel chair shall make evidentiary rulings as may be necessary. Technical rules of evidence followed by a court of law need not be applied. Irrelevant or unduly repetitious evidence and/or cross-examination may be excluded at the

discretion of the panel chair.

(b) Burden of proof/standard of proof. The petitioner shall have the burden of establishing the facts upon which petitioner seeks relief. The petitioner shall establish such facts and demonstrate by substantial evidence a legal right to the relief sought.

(v) Conduct of hearing.

(a) Each party shall have the right to present evidence and cross-examine witnesses.

(b) Before any evidence is offered, the petitioner and respondent may make an opening statement.

(c) The panel chair shall determine the order in which parties shall present evidence but shall generally require that the party with the burden of proof present its case first. Petitioner may present a rebuttal case with respect to any affirmative defenses presented by respondent. At the discretion of the panel chair, rebuttal cases may be allowed in other situations.

(d) The panel chair or hearing stenographer shall administer an oath or affirmation to each witness, who shall first be questioned by the party calling the witness (direct examination) and then examined by the opposing party (cross-examination). The panel chair, in his or her discretion, may allow redirect and recross of a witness. Members of the panel may also question witnesses.

(e) The panel chair shall determine the sequence in which the issues shall be tried and otherwise regulate the conduct of the hearing in order to achieve an expeditious and fair disposition of the matters at issue, including the scheduling and duration of the hearing.

(f) At the conclusion of the evidentiary hearing, the panel chair may give the parties an opportunity to make a closing statement and/or to file briefs.

(vi) Record of hearing.

(a) The record shall include:

(1) all notices, pleadings, motions, intermediate rulings;

(2) evidence presented;

(3) a statement of matters officially noticed except matters so obvious that a statement of them would serve no useful purpose;

(4) questions and offers of proof, objections thereto, and rulings thereon;

(5) proposed findings and exceptions, if any;

(6) any findings of fact, conclusions of law or other recommendations made by the panel chair; and

(7) any decision, determination, opinion, order or report rendered.

(b) Testimony given and other proceedings at a hearing must be recorded verbatim. For this purpose and consistent with respondent's rights, the panel chair may use whatever means he or she deems appropriate, including, but not limited to, the use of stenographic transcriptions or recording devices. At the panel chair's discretion, part or all of the transcripts may also be required in electronic or other form.

(c) The Board of Regents shall prepare the record together with any transcript of proceedings within a reasonable time and shall furnish a copy of the record and transcript or any part thereof to any party as he or she may request. The board of Regents shall charge not more than its cost for the preparation and furnishing of such record or transcript or any part thereof, or the rate specified in the contract between the agency and a contractor if prepared by a private contractor.

(d) Findings of fact shall be based exclusively on the evidence and on matters officially noticed.

(e) At any time prior to the issuance of the panel recommendation, the panel chair may direct that the hearing record be reopened to consider significant new evidence.

(3) Panel recommendation and board determination. Upon conclusion of the evidentiary hearing, the panel shall make a written recommendation to the Board of Regents, which may adopt or reject the recommendation, or remand to the panel for further proceedings. The decision of the board shall be in writing and shall constitute the final determination of the board.

(4) Decisions to be filed. A copy of the decision of the Board of Regents with respect to the proceeding will be forwarded by the office of counsel to all the parties to the proceeding, or, if they be represented by counsel, to counsel for the respective parties, with instructions for service and filing as may be appropriate. A copy will also be sent those persons or organizations who have been granted leave to submit memoranda *amicus curiae*.

8 CRR-NY 3.31

Current through December 31, 2020

END OF DOCUMENT

**BOARD OF REGENTS OF THE UNIVERSITY
OF THE STATE OF NEW YORK/STATE EDUCATION DEPARTMENT**

In the Matter of the Application by the
New York State Board of Regents, Petitioner,
Pursuant to Education Law § 226 (4), for the
Removal of:

Oscar Davis Jr.;
Cathlin Gleason-Boncardo;
Hope Marable;
Vivien Salmon; and
Judy Williams-Davis

VERIFIED PETITION

Respondents, as Trustees of the Mount
Vernon Public Library.

Introduction

1. This proceeding is brought by the New York State Board of Regents (“Regents”) pursuant to Section 226 (4) of the Education Law of the State of New York and Section 3.31 of the Rules of the Board of Regents.
2. The Regents seek to remove the above-named members of the Board of Trustees of Mount Vernon Public Library (“MVPL” or the “Library”) for misconduct, neglect of duty and/or the failure or refusal of the Board to carry into effect the educational purposes of the Library as set forth below.
3. The Regents maintain that the members of the Board of Trustees of MVPL have failed to submit a viable application for library registration as required and specifically directed by the State Education Department, have failed to file a 2020 annual report to the New York State Library (“NYSL”) and, thus, caused the MVPL to lose certain funding, and have

permitted the Library to engage in numerous financial irregularities or otherwise failed to properly supervise the administration of the Library with respect to financial matters.

4. The Regents submit that unless action to remove the Board of Trustees is taken, the continued operation of the Library is in jeopardy and the University of the State of New York, as well as the community MVPL serves, may lose a valuable institution of cultural education which has been educating and serving New York State residents for well over 100 years.

Parties

5. The Regents are responsible for the general supervision of all educational activities within the State and preside over The University of the State of New York and the New York State Education Department.
6. Among the Regents' many and varied responsibilities are the chartering and oversight of education corporations in New York.
7. The Regents may remove any trustee of a corporation created by them for misconduct, incapacity, neglect of duty, or where it appears to the satisfaction of the Regents that the corporation has failed or refuses to carry into effect its educational purposes (*see* Education Law § 226 [4]).
8. On February 15, 2022, the Regents voted, pursuant to 8 NYCRR §3.31 (a), to bring this proceeding against the Trustees of MVPL seeking their removal from office on the grounds set forth below.

Background

9. Hereinafter, for ease of reference, the Regents in their capacity as the entity making this application may be referred to as "Petitioner."

10. The MVPL is a school district public library.
11. The MVPL was chartered by the Regents on March 19, 1896, and its charter was last amended by the Regents on June 18, 2013 (*see* Exhibit “A”).
12. The Library’s five-member Board of Trustees is elected by public vote.
13. The Library is designated the “Central Library” for the Westchester Library System (WLS).
14. According to the 2020 Census, MVPL serves a population of 73,893.
15. Respondent, Oscar Davis Jr., is a current member of the Board of Trustees of the Library, whose term expires in June 2023.
16. Respondent, Cathlin Gleason-Boncardo, is a current member of the Board of Trustees of the Library, whose term expires in June 2025.
17. Respondent, Hope Marable, is a current member of the Board of Trustees of the Library, whose term expires in June 2023.
18. Respondent, Vivien Salmon, is a current member of the Board of Trustees of the Library, whose term expires in June 2022.
19. Respondent, Judy Williams-Davis, is a current member of the Board of Trustees of the Library, whose term expires in June 2023.
20. Hereinafter, for ease of reference, the five individual Respondents may be referred to collectively as “Respondents” or “Trustees,” each of whom committed the acts or omissions outlined below.

I. THE TRUSTEES NEGLECTED THEIR DUTY AND FAILED OR REFUSED TO CARRY INTO EFFECT MVPL'S EDUCATIONAL PURPOSES THROUGH THE FAILURE TO COMPLETE THE REGISTRATION PROCESS AS COMMANDED BY THE DEPARTMENT

21. Petitioner repeats and realleges the allegations of paragraphs 1 through 20 as though fully set forth herein.

22. The June 13, 2013 amendment of MVPL's charter specifies, in part (*see* Exhibit A), that an educational and corporate purpose for the MVPL is:

[T]hat the Mount Vernon Public Library is a school district public library and shall be subject to all provisions of law and regulation as applicable to school district public libraries under Article 5 of the Education Law.

23. Registration by the New York State Education Department ("SED" or the "Department") is required for chartered libraries and is necessary for the Library to receive local and State public funds.

24. After the June 18, 2013 charter amendment and due to changes in the Library's governance and funding structures, the New York State Library ("NYSL") undertook a registration review to assist the Library's Board in stabilizing operations and complying with laws and regulations, including minimum registration standards.

25. Thereafter, new library registration standards took effect on January 1, 2021 (*see* 8 NYCRR § 90.2).

26. The Department formally informed MVPL of these new standards by letter date July 12, 2021 and advised the Trustees that the MVPL Board must demonstrate compliance with the new standards and complete its registration[Exhibit B].

27. The Department informed MVPL that its complete and Board-approved Application for Registration and all required supporting documents must be submitted by November 1,

2021 to Dr. Terry Kirchner, Executive Director of the WLS, and completed by March 31, 2022 at the latest.

28. To assist MVPL's Board of Trustees with completing its registration work, NYSED provided MVPL with information and materials, including a timeline for Completing the Registration; a copy of Commissioners Regulation 90.2 Standards for Registration; the forms and instructions for registration, and indication of the policies and other materials required for registration.
29. NYSED also offered technical assistance in preparing the Application for Registration or any of the required documents through Dr. Kirchner.
30. The Department and State Library also advised the Trustees that each trustee required (re)training with respect to their duties and responsibilities as members of the MVPL's Board.
31. The WLS delivered training to the trustees on July 22, 2021. This training included discussion of the roles and responsibilities of library trustees, chartering and registration of public libraries in New York, fiscal responsibilities of library trustees, how to conduct effective public meetings and the roles of central libraries. *See Exhibit C (training).*
32. NYSL's July 12, 2021 letter informed the Trustees that failure to comply with its directives and deadlines could lead to denial of registration, inability to legally accept State and local public funds, loss of library system services, and the revocation of the Library's charter.
33. NYSL's July 12, 2021 letter further informed the Trustees that failure to abide by its directives could constitute misconduct, neglect of duty, or failure to or refusal of the

institution to carry into effect its educational purposes justifying removal under Education Law § 226 (4) and 8 NYCRR § 3.31.

34. Due to the neglect of duty and/or refusal of the Trustees, and despite training and technical assistance, the Respondents have failed to submit a complete registration application.
35. Although the MVPL submitted documents to Dr. Kirchner, this submission failed to meet the minimum requirements of 8 NYCRR § 90.2 and were not accepted.
36. These actions and inactions on the part of the Library's Trustees are a neglect of duty which has caused MVPL to lose State and local public funds, may result in forfeiture of MVPL's eligibility for membership in the WLS, may result in the loss of MVPL's designation as the Central Library for WLS, and jeopardize MVPL's ability to carry out its educational purpose, warranting removal of Respondents.

II. THE TRUSTEES NEGLECTED THEIR DUTY AND FAILED OR REFUSED TO CARRY INTO EFFECT MVPL'S EDUCATIONAL PURPOSES THROUGH THE FAILURE TO SUBMIT A 2020 ANNUAL REPORT TO STATE LIBRARY WITH CORRESPONDING LOSS OF FUNDING

37. Petitioner repeats and realleges the allegations of paragraphs 1 through 36 as though fully set forth herein.
38. Each library within the University of the State of New York is required to submit an annual report to the Department by March 31.
39. The WLS provides training, technical assistance and support to its member libraries to assist them in completing accurate and complete Annual Reports.
40. WLS provided one-on-one support to the MVPL Library Director to assist the Library in successfully completing the 2020 Annual Report.

41. The Library submitted an incomplete report for the calendar year 2020 on or about July 16, 2021, which utilized financial data from 2019.
42. WLS requested an extension for MVPL to submit reporting by August 27, 2021, which the NYSL granted.
43. The Department, through the NYSL, sent a letter dated September 15, 2021 to the Respondents confirming that the Library failed to submit an approvable 2020 Annual Report by the extended deadline of August 27, 2021 (*see* Exhibit “D”).
44. The NYSL’s September 15, 2021 letter informed MVPL that it was not eligible for the 2021/2022 Local Library Services Aid Payment of \$19,221 due to MVPL’s failure to submit a 2020 Annual Report.
45. The September 15, 2021 letter also notified the MVPL’s Board of Trustees that a “stop payment order” on all State funds from the Department to the Library was in place until such time as MVPL submitted a complete and approvable 2020 Annual Report.
46. To date, MVPL has not submitted a 2020 Annual Report to the State Library and the “stop payment” remains in effect. Funds forfeited and/or withheld thus far include:
 - a. 2021 LLSA State Aid - \$19,221;
 - b. 2020/2021 State Aid for Library Construction Project Award - \$61,237 – final project approval and all payments withheld, and;
 - c. Final 10% payments for Construction Projects for 2017/2018 - \$7,687; 2018/2019 - \$13,477; and 2019/2020 - \$18,677.
47. Also as a result of the MVPL’s failure to submit its 2020 Annual Report, the MVPL failed to meet Maintenance of Effort (MOE) requirements for Central Libraries under Education Law § 272 (1)(j)(2).

48. As a result, WLS may lose twenty-five percent (25%) of the 2022 State funding for Central Library Services Aid. This loss of 2022 State funds, estimated at \$89,000, would harm all the system's member libraries and the patrons who benefit from Central Library services.
49. These actions and inactions on the part of the MVPL's trustees are a neglect of duty which has caused MVPL to lose State and local public funds and jeopardizes its ability to carry out its educational purpose, warranting removal of Respondents.

III. THE TRUSTEES NEGLECTED THEIR DUTY TO MAINTAIN FINANCIAL RECORDS AND FAILED OR REFUSED TO CARRY INTO EFFECT MVPL'S EDUCATIONAL PURPOSES BY FAILING TO ACCOUNT FOR ITS SPENDING

50. Petitioner repeats and realleges the allegations of paragraphs 1 through 49 as though fully set forth herein.
51. As reported on MVPL's 2019 Annual Report (*see* Exhibit E) MVPL's total income in 2019 was \$4,685,342.
52. Among a library trustee's most fundamental duties is to safeguard the monies a library receives from taxes and other public sources.
53. The training provided to Respondents (*see* exhibit C) and the Library Trustee Handbook underscore these duties, reiterating that Respondents must: (1) ensure that financial resources are being used efficiently and effectively toward meeting the institution's goals; (2) secure adequate funding for the library's service program; and (3) exercise fiduciary responsibility for the use of public and private funds. *See* Trustee Handbook at Exhibit F.
54. The NYSL and the Regents received a Summary Report dated September 7, 2021 issued by the accounting firm "DSJCPA" a/k/a "Damasco, Sena & Jahelka LLP" about the Library's finances (*see* Exhibit "G").

55. According to the Summary Report, the Library’s Board of Trustees appointed the firm DSJCPA as the Library’s Treasurer on July 7, 2021 to review MVPL’s financial records from July 2014 through July 2021.
56. The September 7, 2021 report evidences serious issues with internal fiscal procedures including missing bank statements and multiple missing records of fiscal transactions. Of note, DSJCPA identified “1,408 transactions that were not in the general ledger for the seven-year period spanning from 2014– 2021.”
57. DSJCPA also asserted that these unidentified “transactions” included: (1) payroll information; (2) cash receipts and cash disbursements (liabilities) that were not posted in their proper periods as required by accounting principles generally accepted in the United States of America ("U.S. GAAP"); and (3) bank accounts and debit card purchases that included “questionable transactions that are not consistent with a library's normal course of business.”
58. These actions and inactions on the part of the Library’s trustees are a neglect of duty and otherwise jeopardize the MVPL’s ability to carry out its educational purpose, warranting removal.

Conclusion

59. Petitioner submits each of the members of the MVPL Board of Trustees, through the actions and inactions as set forth above, neglected his or her duties and has failed and/or

refused to carry into effect the educational purposes of the Library, thus warranting removal.

REQUEST FOR RELIEF

60. WHEREFORE, Petitioner respectfully requests that:

- a. Probable cause for removal be found;
- b. A hearing be conducted pursuant to 3.31 of the Rules of the Regents forthwith;
- c. That Respondents be removed from their positions as the Library's Trustees;
- d. That new Trustees be appointed by the Regents; and
- e. That the Regents grant such other relief as is necessary and proper.

Dated: Albany, New York
February 15, 2022

Lester W. Young
Chancellor
New York State Board of Regents

Daniel Morton-Bentley, Esq.
Counsel and Deputy Commissioner
For Legal Affairs
New York State Education Department
89 Washington Avenue – Rm. 112
Albany, New York 12234

Affidavit of verification.

STATE OF NEW YORK

COUNTY OF ALBANY

Lester W. Young, being duly sworn, deposes and says that he is Chancellor of the Board of Regents, the Petitioner in this proceeding; that he has read the annexed Verified Petition and knows the contents thereof; that the same is true to the knowledge of deponent except as to the matter therein stated to be alleged upon information and belief, and as to those matters he believes it to be true.

Lester W. Young
Chancellor
New York State Board of Regents

Subscribed and sworn to before me
this day of February 2022

.....
Notary Public

Exhibit 'A'

ACTION DATE MARCH 19, 1896

Mount Vernon Public Library

Application papers filed. Charter issued same form as on page 598 of record of charters volume 2.

Charter of Mount Vernon Public Library
"hereby incorporate" Amos D. Currier, Herbert D. Jennings, Henry C. Rhoades, Jesse Hantz, James M. Anderson

"name of" Mount Vernon Public Library
"trustees of said corporation shall be" the above named incorporators. Their successors shall be appointed by the president of the Mount Vernon board of education and confirmed by said board once each year to serve five years. The trustees shall report to the board of education on or before March 31st in each year.

This corporation shall be located at Mount Vernon, Westchester county, New York

Charter no. 285. Dated March 12, 1896

Signed by Anson Julia Upon "Chancellor"

Mehil Dewey "Secretary"

Sent to library April 13, 1896

A true copy
E. L. ...

CITY OR VILLAGE

Mount Vernon, N.Y.

NAME OF LIBRARY

Mount Vernon Public Library

LEGAL AREA SERVED

school dist.

STATE AID

DATE OF APPLICATION	DATE REC'D - L. E. D.	AM'T REQUESTED	DATE SENT BUREAU OF APPORTIONMENT	DATE CHECK SENT	AM'T OF CHECK
Apr. 23, '52		\$2,726.02		May 21, '52	\$2,726.02
Mr 3 '53		2,736.86	My 14 '53	My 26 '53	2736.86
Ap 20 '54		100	Ap 30 '54	My 10 '54	100
Ap 1 '55		100	Je 13 '55	Je 21 '55	100
Ap 16 '56		100	My 7 '56	My 14 '56	100
Apr 3, '57		100.00	May 24, '57	June 28, '57	100.00
Jan 21, '58		100.00	Apr 1, '58	May 19, '58	100.00

REGISTRATION

DATE REGISTERED	CERTIFICATE OF REGISTRATION SENT	REGISTRATION CANCELLED	REMARKS
Oct. 17, 1907			

*Charter
File*

C O P Y

University of the State of New York

Charter of

Mount Vernon Public Library

Whereas a petition for incorporation as an institution of the University has been duly received, and

Whereas official inspection shows that suitable provision has been made for buildings, furniture, equipment and for proper maintenance, and that all other prescribed requirements have been fully met

Therefore, being satisfied that public interests will be promoted by such incorporation, the Regents by virtue of the authority conferred on them by law hereby incorporate

Andrew F. Currier, Herbert T. Jennings, Henry E. Rhoades

Jesse Lantz, James M. Anderson

and their successors in office under the corporate name of Mount Vernon Public Library with all powers, privileges and duties, and subject to all limitations and restrictions prescribed for such corporations by law or by the ordinances of the University of the State of New York. The first trustees of said corporation shall be the above named incorporators. Their successors shall be appointed by the president of the Mount Vernon board of education and confirmed by said board one each year to serve five years. The trustees shall report to the board of education on or before March 31st, in each year.

This corporation shall be located at Mount Vernon, Westchester county, New York

In witness whereof the Regents grant this charter no. 989 under seal of the University, at the capitol in Albany, March 19, 1896

Signed) Anson Judd Upson

Chancellor

(Signed) Melvil Dewey

Secretary

Adopted July 26, 2006

MOUNT VERNON PUBLIC LIBRARY. An application having been made by and on behalf of the trustees of Mount Vernon Public Library, for an amendment of its charter, it was

Voted, that the absolute charter of the Mount Vernon Public Library, located in Mount Vernon, county of Westchester, state of New York, which was granted by action of the Board of Regents on March 19, 1896 be and hereby is amended to specify the number of trustees shall not be less than five nor more than nine, to designate the Commissioner of Education as the agent of the corporation for the purpose of service of process, and to add the following language:

The corporation hereby created shall be a nonstock corporation organized and operated exclusively for educational purposes, and no part of its earnings or net income shall inure to the benefit of any individual; and no officer, member, or employee of the corporation shall receive or be entitled to receive any pecuniary profit from the operations thereof, except reasonable compensation for services.

Notwithstanding any other provision of these articles the corporation shall not carry on any other activities not permitted to be carried on (a) by a corporation exempt from Federal income tax under section 501(c)(3) of the Internal Revenue Code of 1986 (or the corresponding provision of any future United States Internal Revenue Law) or (b) by a corporation, contributions to which are deductible under section 170(c)(2) of the Internal Revenue Code of

1986 (or the corresponding provision of any future United States Internal Revenue Law).

No substantial part of the activities of the corporation shall be devoted to carrying on propaganda, or otherwise attempting to influence legislation (except to the extent authorized by Internal Revenue Code section 501(h) as amended, or the corresponding provision of any future United States Internal Revenue Law, during any fiscal year or years in which the corporation has chosen to utilize the benefits authorized by the statutory provision), and the corporation shall not participate in or intervene (including the publishing or distribution of statements) in any political campaign on behalf of, or in opposition to, any candidate for public office.

Upon dissolution of the corporation, the board of trustees shall, after paying or making provision for the payment of all the liabilities of the corporation, dispose of the remaining assets of the corporation exclusively for one or more exempt purposes, within the meaning of section 501(c)(3) of the Internal Revenue Code of 1986 (or the corresponding provision of any future Federal tax code), or shall distribute the same to the Federal government, or to a state or local government, for a public purpose. Any such assets not so disposed of shall be disposed of by order of the Supreme Court of the State of New York in the judicial district where the principal office of the corporation is then located, exclusively for

such purposes or to such organization or organizations, organized and operated exclusively for such purposes, as said Court shall determine.

Adopted June 18, 2013

MOUNT VERNON PUBLIC LIBRARY. An application having been made by and on behalf of the trustees of Mount Vernon Public Library, for an amendment of its charter, it was

Voted, that the absolute charter of the Mount Vernon Public Library, located in Mount Vernon, county of Westchester, state of New York, which was granted by action of the Board of Regents on March 19, 1896 and amended on July 26, 2006 be, and the same hereby is, amended (1) to change the method of trustee designation from appointment by the president of the Mount Vernon City board of education and confirmation by said board, to election by the voters of the City School District of the City of Mount Vernon;

(2) to specify the number of trustees shall not be less than five nor more than fifteen;

(3) to designate that the election of the trustees be staggered to conform to the years in which the ~~with the~~ five year term of the five current trustees expires, as follows:

2014 - 4 seats (one to expire in 2015; three to expire in 2018)

2015 – 2 seats (one to expire in 2016; one to expire in 2018)

2016 – 1 seat for a five year term

2017 – 1 seat for a five year term

2018 – 1 seat for a five year term

And that thereafter trustees shall be elected to serve for five year terms;

(4) and to specify that the Mount Vernon Public Library is a school district public library and shall be subject to all provisions of law and regulation as applicable to school district public libraries under Article 5 of the Education Law.

Exhibit 'B'



THE STATE EDUCATION DEPARTMENT / THE UNIVERSITY OF THE STATE OF NEW YORK / ALBANY, NY 12230

Deputy Commissioner for Cultural Education

Tel: 518-474-5976

Fax: 518-474-2718

July 12, 2021

Trustee Oscar Davis, President
35 Harrison Street
Mount Vernon, NY 10550
odavis@wlsmail.org

Trustee Hope Marable
2 Fisher Drive
Mount Vernon, NY 10550
hmarable@wlsmail.org

Trustee Judy Williams-Davis
625 Gramatan Ave
Mt Vernon, NY 10552
jwilliamsdavis@wlsmail.org

Trustee Vivien Salmon
98 S. Fulton Avenue Unit 102
Mount Vernon, NY 10550
vsalmon@wlsmail.org

Trustee Cathlin Gleason
9 Urban Street
Mount Vernon, NY 10552
cgleason@wlsmail.org

Timur Davis, Library Director
Mount Vernon Public Library
28 S. 1st Street
Mount Vernon, NY 10550
timurd@wlsmail.org

Dear Mr. O. Davis, Ms. J. Davis, Ms. C. Gleason, Ms. H. Marable, Ms. V. Salmon and Mr. T. Davis:

The New York State Education Department (the “Department”) and the New York State Library (“State Library”) are pleased to know that the Mount Vernon Public Library (“MVPL”) has a full complement of five Library Board members. We write to memorialize the Department and State Library’s directions for immediate next steps.

First, the MVPL’s Board of Trustees must now complete the library’s outstanding registration (licensing). **The MVPL must successfully complete its registration by March 31, 2022 to continue to be eligible to receive local and State public funds.** In this regard, please note that in 2018, the New York State Board of Regents (“Regents”) approved amendments to Section 90.2 of the Commissioner’s Regulation, titled “*Standards for Registration of Public, Free Association and Indian Libraries.*” To successfully complete the registration process, MVPL must demonstrate compliance with these new standards, which took effect on January 1, 2021.

To assist MVPL’s Board of Trustees with completing its work, I have included the following attachments:

- **Attachment A** - Timeline for Completing the Registration
- **Attachment B** - Commissioners Regulation 90.2 Standards for Registration
- **Attachment C** - *Application for Registration* - Form
- **Attachment D** - *Application for Registration* - Instructions
- **Attachment E** - Library Policies Required for Registration

If the MVPL's Board of Trustees needs technical assistance in preparing the *Application for Registration* or any of the required documents, please contact Westchester Library System Executive Director Dr. Terry Kirchner. Dr. Kirchner can provide sample documents and other helpful materials. Please note that the State Library requires that the MVPL's Board-approved *Application for Registration* be reviewed by the Westchester Library System, prior to submission to the State Library. Mr. Kirchner will submit the MVPL's *Application* to the State Library.

Additionally, as you may know, the Department is in receipt of several complaints made against members of MVPL's Board of Trustees. At this time, the Department and State Library have determined that all Board of Trustee members require (re)training with respect to their duties and responsibilities as members of the MVPL's Board. Such training must be given by the Westchester Library System, or a third-party acceptable to the State Library, and completed by October 1, 2021.

It is the sincere hope and expectation of the Department and also the NYS Board of Regents that the various challenges the MVPL Board of Trustees has apparently encountered may be fully addressed through adequate training and timely completion of the registration process, and no further administrative action will be necessary. Additional information on the training requirement can be obtained by contacting State Librarian Lauren Moore.

Please know, however, that failure to comply with these directives and deadlines may lead to denial of registration. Also, only chartered (incorporated) and registered (licensed) public libraries are eligible for membership in a public library system and eligible to legally accept State and local public funds. Denial or loss of registration has serious consequences and can lead to the loss of system services, the loss of public funding for the Library and the revocation of the library's charter. Failure to abide by these directives may also constitute misconduct, neglect of duty, or failure to or refusal of the institution to carry into effect its educational purposes. See, Education Law 226(4) and 8 NYCRR 3.31 (Removal of trustees).

Thank you for your expected cooperation.

Sincerely,



Mark A. Schaming
Deputy Commissioner for Cultural Education

Enclosures (five)

Cc: Lauren Moore, Assistant Commissioner for Libraries and State Librarian
Dr. Terry Kirchner, Executive Director, Westchester Library System
Robert T. Schofield, Whiteman Osterman & Hanna LLP
Michael R. Hekle, Jackson Lewis
Daniel Morton-Bentley, SED Office of Counsel
Aaron Baldwin, SED Office of Counsel

Attachment A

Timeline for Completion Mount Vernon Public Library Registration Review

****Registration Review Must Be Completed by March 31, 2022 ****

The proposed timetable for completing this important work is:

- **October 1, 2021** – The Library Board submits documentation to the State Library that it has completed required Trustee training no later than this date.
- **November 1, 2021** – The Library Board-approved *Application for Registration Form* is completed, reviewed by the library system, and submitted to the State Library by the library system.
- **December 31, 2021** – If all materials are in order and approvable, the State Library notifies the Library Board and Library System that the Library's Registration Review is successfully completed. If all Registration materials are not in order and approvable, then the Board will need to immediately take corrective action as directed by the State Library to meet the March 31, 2022 deadline.
- **March 31, 2022** - Registration Review must be successfully completed by this date.

July 12, 2021

Attachment B - Commissioner’s Regulation 90.2 Standards for registration of public, free association and Indian libraries.

... (b) Registration standards on or after January 1, 2021.

A public, free association or Indian library seeking to register with the department on or after January 1, 2021 shall be registered with the department if it meets the registration standards set forth in this subdivision in a manner satisfactory to the commissioner. Any public, free association or Indian library that was registered by the department on or before December 31, 2020, shall meet the following registration requirements by January 1, 2021 to continue to be registered by the department:

- (1) is governed by written bylaws which define the structure and governing functions of the library board of trustees, and which shall be reviewed and re-approved by the board of trustees at least once every five years or earlier if required by law;
- (2) has a community-based, board-approved, written long-range plan of service developed by the library board of trustees and staff;
- (3) provides a board-approved written annual report to the community on the library's progress in meeting its mission, goals and objectives, as outlined in the library's long-range plan of service;
- (4) has board-approved written policies for the operation of the library, which shall be reviewed and updated at least once every five years or earlier if required by law;
- (5) annually prepares and publishes a board-approved, written budget, which enables the library to address the community’s needs, as outlined in the library’s longrange plan of service;
- (6) periodically evaluates the effectiveness of the library's programs, services and collections to address community needs, as outlined in the library’s long-range plan of service;
- (7) is open the following scheduled hours:

<i>Population</i>	<i>Minimum weekly hours open</i>
Up to 500	12
500 - 2,499	20
2,500 - 4,999	25
5,000 - 14,999	35
15,000 - 24,999	40
25,000 - 99,999	55
100,000 and above	60

- (8) maintains a facility that addresses community needs, as outlined in the library’s long-range plan of service, including adequate space, lighting, shelving, seating, power and data infrastructure, and a public restroom;
- (9) provides programming to address community needs, as outlined in the library’s long-range plan of service;

(10) provides a circulation system that facilitates access to the local library collection and other library catalogs; and provides equipment, technology, and internet connectivity to address community needs and facilitate access to information;

(11) provides access to current library information in print and online, facilitating the understanding of library services, operations and governance; information provided online shall include the standards referenced in paragraphs (1) through (5) of this subdivision;

(12) employs a paid director in accordance with the provisions of section 90.8 of this Part;

(13) provides library staff with annual technology training, appropriate to their position, to address community needs, as outlined in the library's long-range plan of service; and

(14) establishes and maintains partnerships with other educational, cultural or community organizations which enable the library to address the community's needs, as outlined in the library's long-range plan of service.

1. For more information about the minimum standards for registration, please visit the State Library's website.
2. Particularly helpful is the publication *Helpful Information for Meeting Minimum Public Library Standards* at: <http://www.nysl.nysed.gov/libdev/helpful/index.html> .



Application for Library Registration

1. Library Name: _____
2. Library Community Name: _____
3. Library Mailing Address: _____
4. Library email address: _____
5. County: _____
6. Library System: _____
7. Name of Board President: _____
8. Email address: _____
9. Phone Number: _____
10. Name of Library Director/Manager: _____
11. Email address: _____
12. Phone Number: _____
13. Director/Manager Education:
14. Director Certification Number (if applicable): _____
15. Current FTE Weekly Work Hours for Director/Manager Position: _____
16. Local Fiscal Year: _____
17. Library Type:
18. Date Chartered: _____
19. Charter Type:
20. Chartered Service Area: _____
21. Chartered Service Area Population: _____
22. Employment Identification Number (EIN): _____
23. Minimum Hours Open Per Week: _____
24. Who owns library building?
25. Who owns land?

- 26. Library Income – Local Public Funds: _____
- 27. Library Income – System Cash Grants to Member Library: _____
- 28. Library Income – Other State Aid: _____
- 29. Library Income – Federal Aid: _____
- 30. Library Income – Other: _____
- 31. Library Income – Total: _____

- 32. Library Expenditures – Salary of Library Director/Manager: _____
- 33. Library Expenditures – Salaries of Other Staff: _____
- 34. Library Expenditures – Employee Benefits Total: _____
- 35. Library Expenditures – Collections: _____
- 36. Library Expenditures – Capital Expenditures from Operating Funds: _____
- 37. Library Expenditures – Operation and Maintenance of Buildings: _____
- 38. Library Expenditures – Miscellaneous: _____
- 39. Library Expenditures – Total: _____

40. Library Capital Income – From Capital Funds: _____

41. Library Capital Expenditures – From Capital Funds: _____

42. MINIMUM PUBLIC LIBRARY STANDARDS COMPLIANCE – Indicate Y for Yes or N for No

- 1. Is governed by written **bylaws** which define the structure and governing functions of the library board of trustees, and which shall be reviewed and re-approved by the board of trustees at least once every five years or earlier if required by law. _____
- 2. Has a community-based, board approved, written long-range plan of service developed by the library board of trustees and staff. _____
- 3. Provides a board-approved written annual report to the community on the library's progress in meeting its mission, goals and objectives, as outlined in the library's long-range plan of service. _____
- 4. Has board-approved written policies for the operation of the library, which shall be reviewed and updated at least once every five years or earlier if required by law. _____

5. Annually prepares and publishes a board-approved, written budget, which enables the library to address the community's needs, as outlined in the library's long-range plan of service. _____
6. Periodically evaluates the effectiveness of the library's programs, services and collections to address community needs, as outlined in the library's long-range plan of service. _____
7. Is open the minimum standard number of public service hours for population served. (see instructions) _____
8. Maintains a facility that addresses community needs, as outlined in the library's long-range plan of service, including adequate:
 - 8a. space _____
 - 8b. lighting _____
 - 8c. shelving _____
 - 8d. seating _____
 - 8e. power infrastructure _____
 - 8f. data infrastructure _____
 - 8g. public restroom _____
9. Provides **programming** to address community needs, as outlined in the library's long-range plan of service. _____
10. Provides
 - 10a. a **circulation system** that facilitates access to the local library collection and other library catalogs _____
 - 10b. **equipment, technology, and internet connectivity** to address community needs and facilitate access to information. _____
11. Provides access to **current library information in print and online**, facilitating the understanding of library services, operations and governance; information provided online shall include the standards referenced in numbers (1) through (5) above.

Bylaws: _____
Long-range plan of service: _____
Annual Report to the Community: _____

Policies for the operation of the library: _____

Budget: _____

12. **Employs a paid director** in accordance with the provisions of Commissioner's Regulation 90.8. (see instructions) _____

13. Provides library staff with **annual technology training**, appropriate to their position, to address community needs, as outlined in the library's long-range plan of service. _____

14. Establishes and maintains **partnerships** with other educational, cultural or community organizations which enable the library to address the community's needs, as outlined in the library's long-range plan of service. _____

43. Additional Documents Required for Library Registration

Please provide the **URL** for each document. Each of these documents must be approved by the board, must indicate the date of board approval on each document and must be posted online and available to the public as separate documents.

Each document should represent the current library governance structure and library operations in accordance with the library's special legislation (if applicable); charter and NYS laws, rules and regulations. All documents posted online by the library should be available in accessible formats.

1. Bylaws: _____

2. Long-range plan: _____

3. Annual Report to the Community: _____

4. Policies:

Open Meeting Policy: _____

Confidentiality of Library Records: _____

Internet Use Policy: _____

Conflict of Interest Policy: _____

Sexual Harassment Prevention Policy: _____

Whistle Blower Policy (if applicable): _____

5. Library Budget: _____

In addition to the documents listed in 1 through 5 above, the Library is required to provide current library information online (location, hours open, borrowing rules, services, phone numbers, email addresses, website address, Board of Trustees and library staff contact information, and Board of Trustees meeting information as required by Open Meetings Law).

44. Application for Registration – Date of Library Board Approval: _____

45. Application for Registration – Date System Director Completed Review: _____

Official Library Contact Person

Name: _____

Title: _____

Email: _____

Phone: _____

Mailing address: _____

FOR NYSED/New York State Library Use Only

Date Received: _____

Date Approved: _____

Registration Number: _____



Attachment D

APPLICATION FOR LIBRARY REGISTRATION - INSTRUCTIONS

What is registration and why is it important?

Libraries are registered following Regents incorporation by charter. Registration (licensing) of public and association libraries is required by [CR 90.1](#) and [CR 90.2](#) in New York State. Through the registration process a library demonstrates its compliance with [Minimum Standards for Public Libraries](#). Once registered through the State Education Department's New York State Library (State Library), a public or association library may legally accept local and state public funds. After registration each library provides an annual assurance that minimum standards are met through the annual report to the State Library.

Submitting an application

After a library is chartered the library's official contact person will receive, via email, information about registration including the registration application. After all policies, other required documents, and the application are completed and approved by the library board and reviewed by the library's public library system, the library system will submit the library's application to LIBRARYREGISTRATION@nysed.gov.

Notification of approval

After application submission, the library may receive questions or requests for more information from the library system and/or from the State Library. Once the application is approved, the library's official contact person will be notified by email from LIBRARYREGISTRATION@nysed.gov. The approval email will include the official letter of approval and the registration certificate.

Documents retention

All documents relating to a library's establishment should be retained indefinitely. This includes charter documents and related documents as they constitute the library's legal status as an education corporation that is eligible to receive local and state public funds, registration application, registration approval letter and registration certificate.

Questions?

The library's public library system is an invaluable source of information about the registration process and required documents. See the State Library's site for a [list of public library systems](#) with contact information.

The State Library has [helpful information](#) about meeting minimum public library standards on its website.

For questions about the application itself please email LIBRARYREGISTRATION@nysed.gov.

Instructions for Application for Registration

1. **Library Name:** The *legal* name of the library as indicated on the library's charter.
2. **Library Community Name:** The name of the village, town, or city in which the main library building is located.
3. **Library Mailing Address:** The address where the library can be reached or to which mail should be sent.
4. **Library Email Address:** The general email address for sending electronic mail messages to the library (for example: circ@nysed.gov). If the library does not have an e-mail address, enter N/A.
5. **County:** The name of the county in which the main library building (only) is located. Do not enter the counties within the library's chartered service area.
6. **Library System:** The name of the public library system of which the library is a member.
7. **Name of Board President:** The name of the Library Board President
8. **Email Address:** The email address for contacting the Board President directly.
9. **Phone Number:** The phone number for contacting the Board President directly.
10. **Name of Library Director/Manager:** The current director's/manager's name.
11. **Email Address:** The email address for contacting the library director/manager directly.
12. **Phone Number:** The phone number for contacting the library director/manager directly.
13. **Director/Manager Education:** The highest education level of the library manager/director.
14. **Director Certification Number (if applicable):** The director's New York State Public Librarian Certification number.
15. **Current FTE Weekly Work Hours for Director/Manager Position:** Record the current number of hours per week for the library director/manager position. This should be no more than 40 hours per week.
16. **Local Fiscal Year:** The beginning and ending dates of the library's local fiscal year (operating year).
17. **Library Type (Public or Association):** The type of library as stated in the library's charter.
18. **Date Chartered:** Date the library was granted its absolute charter or the date of the provisional charter if the library does not have an absolute charter.
19. **Charter Type (Provisional or Absolute):** The type of charter the library currently holds.
20. **Chartered Service Area:** The area chartered to serve as stated in the library's charter.
21. **Chartered Service Area Population:** Population Chartered to Serve (per 2010 Census).
22. **Employment Identification Number (EIN):** The nine-digit number assigned by the Internal Revenue Service to the library, as an employer, for the purposes of reporting taxes withheld.
23. **Minimum Hours Open Per Week:** Minimum weekly total scheduled public service hours for the library.
24. **Who owns library building?:** Indicate who owns the library building.
25. **Who owns land?:** Indicate who owns the site on which the building is located.

26. **Library Income - Local Public Funds:** Specify by name the municipalities or districts which are the source of funds. Indicate the amount of funds for each funding source.
27. **Library Income - System Cash Grants to Member Library:** Funding sources include Local Library Services Aid (LLSA), Central Library Aid, Additional State Aid received from the System, Federal Aid received from the System, and Other Cash Grants.
28. **Library Income - Other State Aid:** State Aid other than LLSA, Central Library Aid or other State Aid reported as system cash grants. Other State Aid includes monies received directly by the library, such as direct Special Legislative Grants, Conservation/ Preservation Grant, NYS Council on the Arts Grant, etc.
29. **Library Income - Federal Aid:** Funding sources include LSTA and Other Federal Aid (funds received directly from any other Federal Programs, which are used for library operations).
30. **Library Income – Other:** Funding sources include Gifts and Endowments, Fund Raising, Income from Investments, Library Charges, Other.
31. **Library Income – Total:** Total of library income categories listed above.
32. **Library Expenditures - Salary of Library Director/Manager:** Current annual salary for this position, even if vacant.
33. **Library Expenditures - Salaries of Other Staff:** Salaries of any librarians and all other staff employed by the library.
34. **Library Expenditures – Employee Benefits Total:** Employer's contribution for employee benefits.
35. **Library Expenditures – Collections:** Operating expenditures for print materials, electronic materials, and other materials (such as audio and video physical units, microform, audio, video, DVD, and materials in all other forms.)
36. **Library Expenditures – Capital Expenditures from Operating Funds:** Local Public and/or Other funds. Record the cost of all capital expenditures from operating funds including the cost of all vehicles and equipment purchased from operating funds.
37. **Library Expenditures – Operation and Maintenance of Buildings:** Costs related to the operation and maintenance of buildings, including but not limited to fuel and utilities (fuel, electricity, gas, etc.), insurance (other than those reported under employee benefits), custodial supplies, rental of quarters, and contracts for janitorial service, window washing, snow removal, etc.
38. **Library Expenditures – Miscellaneous:** Expenses including Office and Library Supplies, Telecommunications, Binding Expenses, Postage and Freight, Professional & Consultant Fees, Equipment, and Other Miscellaneous (all expenses not in other categories; include here contract money paid to libraries that are not members of a New York State public library system and contract money paid to library systems).
39. **Library Expenditures – Total:** Total of library expense categories listed above.
40. **Library Capital Income – from Capital Funds:** Record all receipts to the Capital Fund from local government sources, state aid for capital projects, federal aid for capital projects, transfers from operating fund and other.
41. **Library Capital Expenditures – from Capital Funds:** Record all disbursements from the Capital Fund for project expenses, transfers to operating fund and other expenses.

42. **Minimum Public Library Standards Compliance** – Indicate compliance status by answering Y for Yes or N for No. For more information on the standards see [Helpful Information for Meeting Minimum Public Library Standards](#).
43. **Additional Documents Required for Library Registration:** Please provide the **URL** for each document. Each of these documents must be approved by the board, must indicate the date of board approval on each document and must be posted online and available to the public as separate documents. Each document should represent the current library governance structure and library operations in accordance with the library’s special legislation (if applicable); charter and NYS laws, rules and regulations. All documents posted online by the library should be available in accessible formats.

Required documents include by-laws, long-range plan, annual report to the community, and library budget. Required policies include open meeting policy, confidentiality of library records, internet use policy, conflict of interest policy, sexual harassment prevention policy, and whistle blower policy. In addition to the documents listed in this question, the Library is required to provide current library information online (location, hours open, borrowing rules, services, phone numbers, email addresses, website address, Board of Trustees and library staff contact information, and Board of Trustees meeting information as required by Open Meetings Law).

44. **Application for Registration – Date of Library Board Approval:** Date the library board approved the application.
45. **Application for Registration – Date System Director Completed Review:** Date the public library system director completed reviewing the application.

Attachment E

Library Policies

The following library policies, which are mandated by law, are required for the approval of an *Application for Library Registration in New York State*:

- **Open Meeting Policy** - All public and association libraries are subject to the open meetings law (Education Law, Section 260-a).
- **Confidentiality of Library Records** - All public and association libraries are required to keep library records confidential according to Civil Practice Laws and Rules, Section 4509.
- **Internet Use Policy** - Chapter 357 of the Laws of 2000 requires that the Board of Trustees of a public, free association or Indian library, which provides public access to the Internet, establish a policy governing patron use of computer terminals that access the Internet. The law provides that a verification of such policy shall be included in the annual report submitted to the State Education Department.
- **Conflict of Interest Policy** - All public and association libraries are subject to Not-for-Profit Corporation Law, Section 715-a.
- **Whistle Blower Policy** - All public and association libraries with twenty or more employees AND an annual revenue in excess of one million dollars in the previous fiscal year are subject to Not-for-Profit Corporation Law, Section 715-b. *(Note that this is required only for certain libraries.)*
- **Sexual Harassment Prevention Policy** – All public and association libraries are subject to Labor Law, Section 201-G. All employers in NYS are required to have a sexual harassment prevention policy and are required to provide sexual harassment prevention training. Additional information is provided on the Department of Labor’s website at <https://www.labor.ny.gov/immigrants/sexual-harassment-prevention.shtm>

Other Recommended Library Policies:

The publications [Helpful Information for Meeting Minimum Library Standards](#) and [Handbook for Library Trustees of New York State](#) include lists of other recommended policies for chartered (incorporated) and registered (licensed) public and association libraries in New York State.

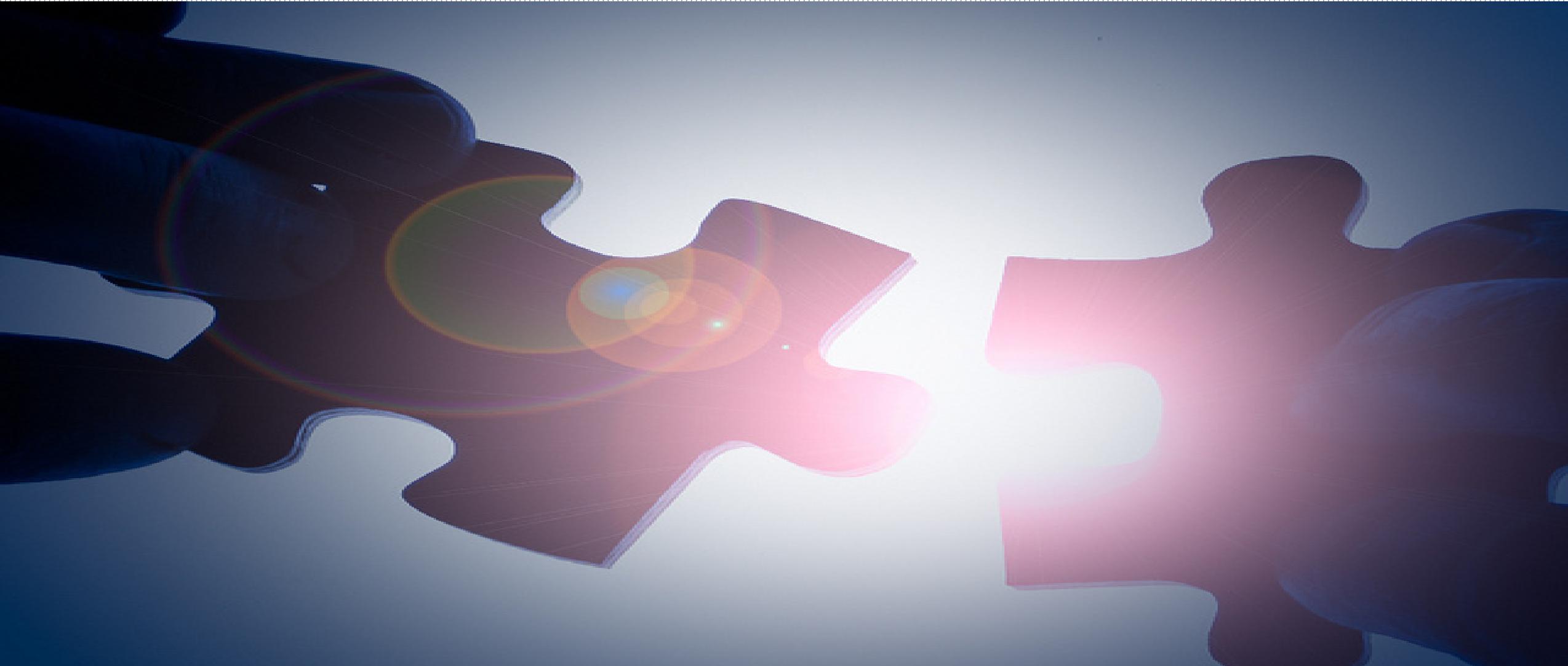
Public Access Requirements for Library Policies:

In accordance with the provisions of Commissioner’s Regulation 90.2, every library policy must be approved by the Board of Trustees, dated and made available to the public both in the library and online.

Exhibit 'C'

Mount Vernon Public Library Trustee Workshop

July 22, 2021



Today's Topics

- Your Job as a Trustee;
- Role of the Director;
- Charter, Registration & By-laws;
- Effective Meetings;
- Fiscal Oversight;
- Policies;
- The Evolving Role of Central Libraries.



Primary Resources

Statement on the Governance Role of a Trustee or Board Member

www.regents.nysed.gov/about/statement_governance.html

Handbook for Library Trustees of New York State

www.nysl.nysed.gov/libdev/trustees/handbook/index.html

Your Job as a Trustee

- Fulfill the mission;
- Act in good faith;
- Be loyal to the institution;
- Comply with the law;
- Provide Fiscal Oversight;
- Hire and work with the CEO;
- Advocate for the Library;
- Plan for the Future.

NYS Board of Regents, *Statement on the Governance Role of a Trustee or Board Member*

www.regents.nysed.gov/about/statement_governance.html



Author Unknown

Trust is
like a piece of paper.
Once it's crumpled,
it can't be
perfect again.

Photo by weinstock
Symphony of Love

Articulating a Mission

"Making the simple complicated is commonplace; making the complicated simple, awesomely simple, that's creativity."

Charles Mingus



What is Your Purpose?

Why are you a Library Trustee?

What is the Library's Purpose?

Mission: The mission of the Mount Vernon Public Library is to provide a *safe, accessible facility where people, information, and ideas come together to enrich lives and build community, and where lifelong habits of learning, self-improvement and self-expression are championed*. As the Central Library of Westchester County, the Mount Vernon Public Library focuses on developing unique and current collections that build on technological advances, and serving the diversity of patrons throughout the county.

The Mount Vernon Public Library is guided by the following principles to achieve excellence: support for intellectual freedom, literacy promotion, respect for and *inclusion of the entire community, fostering a healthy democracy, forming strong partnerships, adaptability, innovation*, and a professional and skilled staff that *serves people of all ages, interests and abilities with fairness and equality*.

https://www.ted.com/talks/simon_sinek_how_great_leaders_inspire_action



The Library Corporation

- The Board of Regents
- Commissioner of Education
- State Education Department
- State Library
- Division of Library Development

The Charter, Registration & By-Laws

- The **Charter** is a legal document from the Board of Regents that incorporates the library, making it an **education corporation** that must meet certain standards of operation (**Registration**) in order to be supported by local taxation and receive state funding.
- The **Registration** verifies that the Library meets the [Minimum Standards for Public Libraries in New York State](#) and is necessary to maintain the Library Charter.
- The **By-Laws** are the rules and procedures by which the Board of Trustees functions. The By-Laws must be consistent with the current Charter, Education Law and the Education Commissioner's Regulations.



Duties and Responsibilities of Public Library Trustees

The New York State Board of Regents defines your responsibilities as:

- The Duty of Care
- The Duty of Loyalty/ Conflicts of Interest
- The Duty of Obedience

In addition you are expected to:

- Hire a CEO to manage the operation of the institution and evaluate their performance in providing services to the public;
- Ensure that financial resources are being used efficiently and effectively toward meeting the institution's goals.

http://www.regents.nysed.gov/about/statement_governance.html

To “Act in good faith”

The Duty of Care:

“A trustee or board member must act in good faith and exercise the degree of diligence, care and skill that an ordinary prudent individual would use under similar circumstances in a like position.”

- Learn about your Library and the library world;
- Attend all Board meetings and be prepared;
- Exercise fiduciary responsibility;
- Hire a qualified director and evaluate professionally;
- Ask questions!

The Duty of Loyalty/Conflicts of Interest

“Trustees owe allegiance to the institution and must act in good faith with the best interest of the organization in mind. The conduct of a trustee must further the institution’s goals and not the member’s personal or business interests...A trustee should avoid even the appearance of impropriety...”

- Make sure the Library Board has an up to date Conflict of Interest Policy.
- Avoid even the appearance of a conflict of interest.
- Be circumspect with the staff. Avoid Nepotism.
- **Put the Library first!**

The Duty of Obedience

“A trustee has a responsibility to insure that the institution’s resources are dedicated to the fulfillment of its mission. The member also has a duty to ensure that the institution complies with all applicable laws and does not engage in any unauthorized activities.”

- Know and understand the Library’s mission.
- Be aware of important law and regulations.
- Be certain that your Library’s resources are solely dedicated to Library purposes.

Fiduciary Accountability

“ensure that your financial resources are being used efficiently and effectively toward meeting the institution’s goals”; and “hire a CEO to manage the operation of the institution and evaluate his/her overall performance”.

- Select a qualified Library Director; let them manage; evaluate professionally.
- Secure sufficient financial resources for today and tomorrow.
- Monitor expenditures and get an annual independent audit.
- **New York State Audits- Critical Aspects.**

Trustee Best Practices

- Be Engaged: “Due Diligence”
- Respect the institution, the staff and each other;
- Work as a Collective Authority;
- Understand Responsibility vs. Delegation;
 - Govern do not Manage!
- Promote Positive Corporate Culture;
- Deal with Board misbehavior.



The Role of the Library Director

- **Be the CEO.**
- Implement Board policies;
- Communicate/educate/inform the Board;
- Manage Library Operations;
- Select/supervise/train Staff;
- Be informed and advise the Board on best professional practices;
- Prepare budget, recommend services, policies, etc.;
- Represent Library in the community (in cooperation with the Board).



Making it work

Common goals; clear roles; open communication

www.nysl.nysed.gov/libdev/trustees/handbook/together.htm

- Mission/Vision/Values;
- Communication!!!!
- What do you expect of each other?
- Delegate Responsibility for Today;
Assume Responsibility for Tomorrow.
- The Strategic Planning Process;
It's a process; not a plan....
- Honesty is the best Policy.



Effective Board Meetings

*Respect the Institution; the Public and your **Time!***



Effective Board Meetings

Best Practices

- The Board President's Role
- The Director's Role
- The Secretary/Minutes
- Quorum/Voting
- Open Meetings:
 - Executive Sessions
 - Rights of the Public



Effective Board Meetings

Best Practices, continued

- Parliamentary Procedures
- Financial Reports
 - Treasurer and Finance Officer
 - Approval of Expenditures/ Claims Audit
- Personnel
 - Seek Diversity in your Community
 - Avoid the Appearance of Nepotism
 - “Director selects; Board Approves”
- Board Committees



Public Library Policies

- Policies are the rules of the Library;
- Policies should be developed thoughtfully and revised regularly;
- Policies provide legal protection;
- Policies are useless unless you and your patrons know them.



The Evolving Role of Central Libraries in NY

- 1960 Concept of Central Libraries in New York State
- 2021 Concept of Central Libraries in New York State

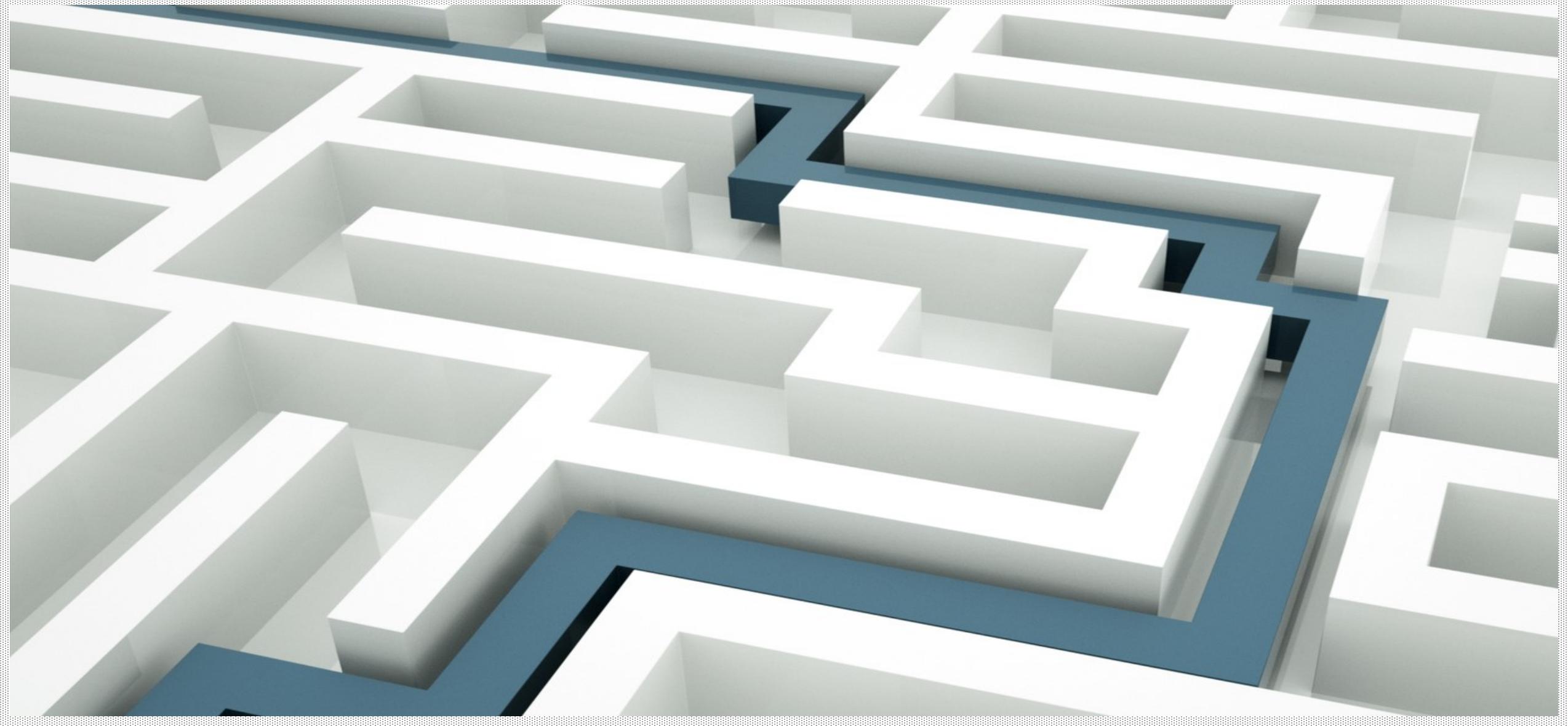
- How Central Library funding must be utilized:

“Expenditures should strengthen services to the entire library system rather than services that are primarily for the central library’s local service area...

In cooperative library systems, a library system/central library committee makes program and expenditure recommendations to the library system.”

<https://www.nysl.nysed.gov/libdev/clda/index.html>

Q & A



If you want to learn more...

[http://www.nysl.nysed.gov/libdev/webinars/index.html:](http://www.nysl.nysed.gov/libdev/webinars/index.html)

[*What Every Trustee Should Know*](#)

[*The Critical Partnership: Public Library Trustees and Directors*](#)

[*Basic Library Law for Trustees*](#)

[*Public Library Finance and the Trustee's Fiduciary Responsibilities*](#)

[*Freedom of Information and Open Meetings Laws for Libraries*](#)

[*The Role of Trustees in Planning and Evaluation: Effective Strategies to Utilize All Your Resources for Success*](#)

[*Building for Your Future: Public Library Renovation and Construction from Dream to Dedication; an Overview*](#)

[*What's New in the Trustee Handbook?*](#)

[*Sustainable Thinking for the Future of Libraries*](#)

www.nysl.nysed.gov/libdev/trustees/handbook/index.html

https://www.ted.com/talks/simon_sinek_how_great_leaders_inspire_action

Trustee Resources

- [New York State Division of Library Development](#)
- [Westchester Library System](#)
- [New York Library Association](#)
- [Library Trustees Association of New York](#)
- [ALA United for Libraries](#)

Mount Vernon Public Library Trustee Workshop

July 22, 2021

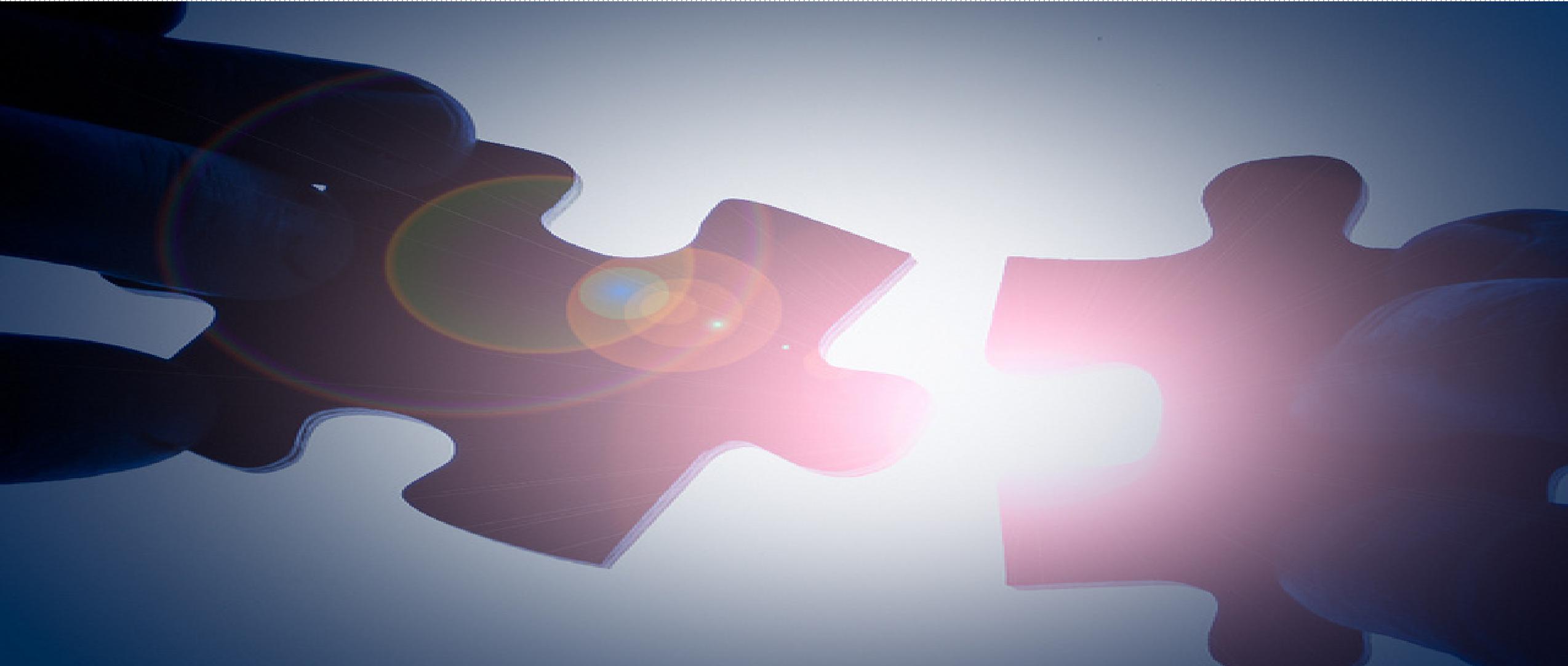


Exhibit 'D'



Carol Ann Desch
Coordinator of Statewide Library Services
Division of Library Development, New York State Library
Cultural Education Center, Room 10C50
Tel. (518) 474-7196
Fax. (518) 486-5254
Email: Carol.Desch@nysed.gov

September 15, 2021

Vivien Salmon, President
Board of Trustees
Mount Vernon Public Library
28 S. 1st Street
Mount Vernon, NY 10550

Dear Ms. Salmon:

This letter concerns the Mount Vernon Public Library's failure to submit an approvable, complete 2020 Annual Report and important next steps. The report was due to the State Library in April 2021. The Library submitted the report to the State Library on July 16, 2021. The submitted report was incomplete and lacked 2020 financial data.

At the request of the Westchester Library System (WLS), the State Library extended the final submission deadline to August 27, 2021. The Library failed to meet this deadline and therefore has failed to comply with *Regents Rule 11.4 Annual Reports of Libraries* (see enclosed).

In accordance with the provisions of *Regents Rule 11.4*, this letter serves as official notification that the Mount Vernon Public Library, due to failure to submit an approvable 2020 Annual Report by the established deadline, is no longer eligible for 2021/2022 Library Aid.

The State Education Department will not be releasing 2021/2022 Local Library Services Aid in the amount of \$19,221.00 to the Westchester Library System for payment to Mount Vernon Public Library.

In addition, no further payments of State or federal funds will be made to the Library by the State Education Department or by Westchester Library System until the Library provides an approvable 2020 Annual Report to the State Library. These payments include Library Aid, State Aid for Library Construction, bullet aid, member items and any other State or federal funds. The Library currently has three open State Aid for Library Construction projects (0386-18-7430; 0386-19-8012; and 0386-20-8601). Funds for the recently approved 0386-21-9134 Construction project of \$61,237 will also be held until the 2020 Annual Report is submitted and approved.

Also, this letter is a reminder that the Library's *Application for Registration* is due to the State Library by November 1, 2021 in accordance with the July 12, 2021 letter to the Library Board and Library Director from Deputy Commissioner for Cultural Education Mark Schaming.

If the Library's Registration Review is not successfully completed by March 31, 2022, then the next step will be for the State Library to notify local funding agencies of the Library's noncompliance with minimum standards and to instruct the local funding agencies to withhold payment of local public funds to the Library until further notice.

We look forward to receiving the Library's approvable, complete 2020 Annual Report as soon as possible and the Application for Registration by November 1. If you have questions, please reach out to Terry Kirchner, Executive Director, Westchester Library System or to me.

Sincerely,

A handwritten signature in dark ink, appearing to read "Carol A. Desch". The signature is fluid and cursive, with a large initial "C" and a long, sweeping tail.

Carol A. Desch

Enclosure (one) – Regents Rule 11.4

Cc: Terry Kirchner, Director, Westchester Library System
Oscar Davis, Judy Williams-Davis, Cathlin Gleason, Hope Marable, Library Trustees
Timur Davis, Library Director
Robert T. Schofield, Whiteman Osterman & Hanna LLP
Michael R. Hekle, Jackson Lewis
Lauren Moore, Assistant Commissioner for Libraries and State Librarian
Mark Schaming, Deputy Commissioner for Cultural Education

ENCLOSURE

8 CRR-NY 11.4NY-CRR

OFFICIAL COMPILATION OF CODES, RULES AND REGULATIONS OF THE STATE
OF NEW YORK

TITLE 8. EDUCATION DEPARTMENT
CHAPTER I. RULES OF THE BOARD OF REGENTS
PART 11. LIBRARY EXTENSION

8 CRR-NY 11.4

8 CRR-NY 11.4

11.4 Annual reports of libraries.

Every library in the University, other than a school library, shall transmit to the department annually, on March 1st, a report for the previous year ending December 31st in such form as shall be prescribed by the commissioner; but a library may report for a year ending on some other date with the approval of the commissioner. Any library in the University whose annual report for the preceding year is not received by March 31st of the year following the expiration of such year shall not participate in any apportionments of library money for the ensuing State fiscal year unless such neglect is duly excused by the commissioner. Any library failing to report for two consecutive years shall be deemed to have discontinued its functions, and after due notice its registration may be rescinded, or its charter suspended.

8 CRR-NY 11.4

Exhibit 'E'

Mount Vernon Public Library

Annual Report For Public And Association Libraries - 2019

1. GENERAL LIBRARY INFORMATION

Library/Director Information

Please note: Bibliostat CollectConnect is now compatible with major browsers including Google Chrome, Mozilla Firefox, Safari and Internet Explorer.

Please be advised Bibliostat CollectConnect is now using a new interface. If you have accessed or if you believe you may have accessed the old Bibliostat Collect, please click the new link [here](#) and you will be taken to the new interface. Please be sure you exit and close the old Bibliostat Collect before you begin your survey.

To avoid loss of data, only one person at a time should be logged into a member library report. Multiple people logged into the same report will cause data to be lost.

Libraries should not have reports from two different years open at the same time.

Report all information in Part 1 as of December 31, 2019, except for questions related to the current library director/manager (questions 1.37 through 1.44).

1.1	Library ID Number	8800664310
1.2	Library Name	MOUNT VERNON PUBLIC LIBRARY
1.3	Name Status (State use only)	00 (for no change from previous year)
1.4	Structure Status (State use only)	00 (for no change from previous year)
1.5	Community	Mount Vernon *
1.6	Beginning Fiscal Reporting Year	07/01/2018
1.7	Ending Fiscal Reporting Year	06/30/2019
1.8	Is the library now reporting on a different fiscal year than it reported on in the previous Annual Report?	No
1.9	If yes, please indicate the beginning date of library's new reporting year. Enter N/A if No was answered to Question 1.8.	N/A
1.10	Please indicate the ending date of library's new reporting year. Enter N/A if No was answered to Question 1.8.	N/A
1.11	Beginning <u>Local</u> Fiscal Year	07/01/2018
1.12	Ending <u>Local</u> Fiscal Year	06/30/2019
1.13	Address Status	00 (for no change from previous year)
1.14	Street Address	28 SOUTH FIRST AVENUE
1.15	City	MOUNT VERNON

1.16	Zip Code	10550
1.17	Mailing Address	28 SOUTH FIRST AVENUE
1.18	City	MOUNT VERNON
1.19	Zip Code	10550
1.20	Telephone Number (enter 10 digits only and hit the Tab key; enter N/A if no telephone number)	(914) 668-1840
1.21	Fax Number (enter 10 digits only and hit the Tab key; enter N/A if no fax number)	(914) 668-1018
1.22	E-Mail Address to Contact the Library (Enter N/A if no e-mail address)	timurd@wlsmail.org
1.23	Library Home Page URL (Enter N/A if no home page URL)	www.mtvpl.org
1.24	Population Chartered to Serve (per 2010 Census)	67,292
1.25	Indicate the type of library as stated in the library's charter (select one):	PUBLIC
1.26	Indicate the area chartered to serve as stated in the library's charter (select one):	School District
1.27	During the reporting year, has there been any change to the library's legal service area boundaries? Changes must be the result of a Regents charter action. Answer Y for Yes, N for No.	N
1.28	Indicate the type of charter the library currently holds (select one):	Absolute
1.29	Date the library was granted its absolute charter <u>or</u> the date of the provisional charter if the library does not have an absolute charter	03/19/1896
1.30	Date the library was last registered	10/17/1907
1.31	Federal Employer Identification Number	136007013
1.32	County	WESTCHESTER
1.33	School District	Mount Vernon
1.34	Town/City	N/A
1.35	Library System	Westchester Library System

THESE QUESTIONS ARE FOR NYC LIBRARIES ONLY. PLEASE PROCEED TO THE NEXT QUESTION.

1.36a	President/CEO Name	
1.36b	President/CEO Phone Number	
1.36c	President/CEO Email	

NOTE: For questions 1.37 through 1.44, report all information for the current library director/manager.

1.37	First Name of Library Director/Manager	Evania
1.38	Last Name of Library Director/Manager	Thompson
1.39	NYS Public Librarian Certification Number	26214
1.40	What is the highest education level of the library manager/director?	Master's Degree
1.41	If the library manager/director holds a Master's Degree, is it a Master's Degree in Library/Information Science?	Y
1.42	Do all staff working in the budgeted Librarian (certified)	Y

positions reported in 6.4 have an active NYS Public Librarian Certificate? If No, list the name and e-mail address of each staff member without an active certificate in a Note.

- | | | |
|------|---|--------------------|
| 1.43 | E-mail Address of the Director/Manager | timurd@wlsmail.org |
| 1.44 | Fax Number of the Director/Manager | (914) 668-1018 |
| 1.45 | Is the library a member of the New York State and Local Retirement System? | Y |
| 1.46 | Does the library charge fees for library cards to people residing outside the system's service area? | N |
| 1.47 | Was all or part of the library's funding subject to a public vote(s) held during Calendar Year 2019? (Please respond even if the vote was unsuccessful). Enter Y for Yes, N for No. If Yes, complete one record for the public vote from each funding source. If no, go to question 1.48. | Y |

Public Votes/Contracts

- | | | |
|-----|--|---|
| 1. | Name of municipality or district holding the public vote | Mount Vernon Public Library |
| 2. | Indicate the type of municipality or district holding the public vote | School District |
| 3. | Date the vote was held (mm/dd/2019) | 05/07/2019 |
| 4. | Was the vote successful? Y/N | Y |
| 5. | What type of public vote was it? | budget vote (school district public library only) |
| 6a. | Most recent prior year approved appropriation from a public vote: | \$4,754,638 |
| 6b. | Proposed increase in appropriation as a result of the vote held on the date reported in question number 3: | \$24,456 |
| 6c. | Total proposed appropriation (sum of 6a and 6b): | \$4,779,094 |

This question should only be answered if "No" was answered in Q1.47 OR the library has votes from different municipalities/districts that were held in different years, both current and prior.

- | | | |
|------|--|-----|
| 1.48 | Did the library receive funding from an appropriation which was approved by public vote in a prior year? (Prior to Calendar Year 2019) Enter Y for Yes, N for No. If Yes, complete one record for the vote from each funding source. If No, go to question 1.49. | N |
| 1. | Name of municipality or district holding the public vote | N/A |
| 2. | Indicate the type of municipality or district holding the public vote | |
| 3. | Date the last successful vote was held (mm/dd/yyyy) | N/A |
| 4. | What type of public vote was it? | |
| 5. | What was the total dollar amount of the appropriation from tax dollars resulting from the last successful vote? | N/A |

- 1.49 Does the reporting library have a contractual agreement with a municipality or district to provide library services to residents of an area not served by a chartered library? Enter Y for Yes, N for No. If yes, please complete one record for *each* contract. If no, go to question 1.50. N
1. Name of contracting municipality or district N/A
 2. Is this a written contractual agreement? N/A
 3. Population of the geographic area served by this contract N/A
 4. Dollar amount of contract N/A
 5. Enter the appropriate code for range of services provided (select one): N/A

Unusual Circumstances

- 1.50 For the reporting year, has the library experienced any unusual circumstance(s) that affected the statistics reported (e.g., natural disaster, fire, closed for renovations, massive weeding of collection, etc.)? If yes, please annotate explaining the circumstance(s) and the impact on the library using the Note; if no, please go to Part 2, Library Collection. N

2. LIBRARY COLLECTION

Print/Electronic/Other Holdings

Report holdings, additions, and subscriptions as of the end of the fiscal year reported in Part 1. Please [read](#) general information instructions below before completing this section.

NOTE: This section of the survey (2.1-2.22) collects data on selected types of materials.

It does not cover all materials (i.e., microforms, loose sheet music, maps, and pictures) for which expenditures are reported under Print Materials Expenditures, Electronic Materials Expenditures, and Other Materials Expenditures (questions 12.6, 12.7 and 12.8). Under this category report only items that have been purchased, leased or licensed by the library, a consortium, the state library, a donor or other person or entity. Included items must only be accessible with a valid library card or at a physical library location; inclusion in the catalog is not required. Do not include items freely available without monetary exchange. Count electronic materials at the administrative entity level (main library); do not duplicate numbers at each branch.

PRINT MATERIALS

Cataloged Books

2.1	Adult Fiction Books	56,886
2.2	Adult Non-fiction Books	152,865
2.3	Total Adult Books (Total questions 2.1 & 2.2)	209,751
2.4	Children's Fiction Books	34,239
2.5	Children's Non-fiction Books	15,805

2.6	Total Children's Books (Total questions 2.4 & 2.5)	50,044
2.7	Total Cataloged Books (Total questions 2.3 & 2.6)	259,795

Other Print Materials

2.8	Total Uncataloged Books	0
2.9	Total Print Serials	23,601
2.10	All Other Print Materials	498
2.11	Total Other Print Materials (Total questions 2.8 through 2.10)	24,099
2.12	Total Print Materials (Total questions 2.7 and 2.11)	283,894

ALL OTHER MATERIALS**Electronic Materials**

2.13	Electronic Books	24,567
2.14	Local Electronic Collections	15
2.15	NOVELNY Electronic Collections	16
2.16	Total Electronic Collections (Total questions 2.14 and 2.15)	31
2.17	Audio - Downloadable Units	6,769
2.18	Video - Downloadable Units	925
2.19	Other Electronic Materials (Include items that are not included in the above categories, such as e-series; electronic files; collections of digital photographs; and electronic government documents, reference tools, scores and maps.)	3
2.20	Total Electronic Materials (Total questions 2.13, 2.16, 2.17, 2.18 and 2.19)	32,295

Non-Electronic Materials

2.21	Audio - Physical Units	6,983
2.22	Video - Physical Units	14,895
2.23	Other Non-Electronic Materials (includes films, slides, etc.)	353
2.24	Total Other Materials Holdings (Total questions 2.21 through 2.23)	22,231

Serials/Additions to Holdings

2.25	GRAND TOTAL HOLDINGS (Total questions 2.12, 2.20 and 2.24)	338,420
------	---	---------

CURRENT SERIAL SUBSCRIPTIONS

2.26	Current Print Serial Subscriptions	305
------	------------------------------------	-----

ADDITIONS TO HOLDINGS - Do not subtract withdrawals or discards.

2.27	Cataloged Books	8,349
2.28	All Other Print Materials	3,543
2.29	Electronic Materials	2,709
2.30	All Other Materials	2,290
2.31	Total Additions (Total questions 2.27 through 2.30)	16,891

3. LIBRARY PROGRAMS, POLICIES, AND SERVICES

Borrowers/Visits/Policies/Accessibility

Report all information on questions 3.1 through 3.29 as of the end of the fiscal year reported in Part 1; report information on questions 3.30 through 3.83 for the 2019 calendar year. Please click [here](#) to read general instructions before completing this section.

Please report information on LIBRARY USE as of the end of the fiscal year reported in Part 1.

LIBRARY USE

3.1	Library visits (total annual attendance)	177,042
3.2	Registered resident borrowers	23,958
3.3	Registered non-resident borrowers	1

Please report information on WRITTEN POLICIES as of 12/31/19.

WRITTEN POLICIES (Answer Y for Yes, N for No)

3.4	Does the library have an open meeting policy?	Y
3.5	Does the library have a policy protecting the confidentiality of library records?	Y
3.6	Does the library have an Internet use policy?	Y
3.7	Does the library have a disaster plan?	N
3.8	Does the library have a board-approved conflict of interest policy?	Y
3.9	Does the library have a board-approved whistle blower policy?	Y
3.10	Does the library have a board-approved sexual harassment prevention policy?	Y

Please report information on ACCESSIBILITY as of 12/31/19.

ACCESSIBILITY (Answer Y for Yes, N for No)

3.11	Does the library provide service to persons who cannot visit the library (homebound persons, persons in nursing homes, persons in jail, etc.)?	N
3.12	Does the library have assistive devices for persons who are deaf and hearing impaired (TTY/TDD)?	Y
3.13	Does the library have large print books?	Y
3.14	Does the library have assistive technology for people who are visually impaired or blind?	Y

3.15 - If so, what do you have?

screen reader, such as JAWS, Windoweyes or NVDA	Yes
refreshable Braille commonly referred to as a refreshable Braille display	No
screen magnification software, such as Zoomtext	Yes
electronic scanning and reading software, such as OpenBook	No

- 3.16 Is the library registered for services from either the New York State Talking Book and Braille Library (New York State Library, Albany) or the Andrew Heiskell Braille and Talking Book Library (The New York Public Library, New York)? N

Library Sponsored Programs/Summer Reading Program

Please report information on LIBRARY SPONSORED PROGRAMS as of the end of the fiscal year reported in Part 1.

LIBRARY SPONSORED PROGRAMS

3.17	Adult Program Sessions	824
3.18	Young Adult Program Sessions	90
3.19	Children's Program Sessions	568
3.20	All Other Program Sessions	0
3.21	Total Number of Program Sessions (Total questions 3.17 through 3.20)	1,482
3.22	One-on-One Program Sessions	52
3.23	Do library staff, trustees and/or volunteers reach outside of the library to promote library programs and services through group presentations, information tables and/or other similar educational activities sponsored by the Library?	Yes
3.24	Adult Program Attendance	24,222
3.25	Young Adult Program Attendance	1,635
3.26	Children's Program Attendance	22,915
3.27	All Other Program Attendance	0
3.28	Total Program Attendance (Total questions 3.24 through 3.27)	48,772
3.29	One-on-One Program Attendance	52

Please report information on SUMMER READING PROGRAMS for the 2019 calendar year.

SUMMER READING PROGRAM

3.30 - Indicate which of the following apply to the summer reading program(s) offered by the library during the summer of 2019 (check all that apply):

- | | | |
|------|---|-----|
| a. | Program(s) for children | Yes |
| b. | Program(s) for young adults | Yes |
| c. | Program(s) for Adults | Yes |
| d. | Summer Reading at New York Libraries name and/or logo used | No |
| e. | Collaborative Summer Library Program (CSLP Manual, provided through the New York State Library, used) | No |
| f. | N/A | No |
| 3.31 | Library outlets offering the summer reading program | 1 |

3.32	Children registered for the library's summer reading program	118
3.33	Young adults registered for the library's summer reading program	12
3.34	Adults registered for the library's summer reading program	53
3.35	Total number registered for the library's summer reading program (total 3.32 + 3.33 + 3.34)	183
3.36	Children's program sessions - Summer 2019	147
3.37	Young adult program sessions - Summer 2019	17
3.38	Adult program sessions - Summer 2019	53
3.39	Total program sessions - Summer 2019 (total 3.36 + 3.37 + 3.38)	217
3.40	Children's program attendance - Summer 2019	7,866
3.41	Young adult program attendance - Summer 2019	1,110
3.42	Adult program attendance - Summer 2019	16,432
3.43	Total program attendance - Summer 2019 (total 3.40 + 3.41 + 3.42)	25,408

COLLABORATORS

3.44	Public school district(s) and/or BOCES	2
3.45	Non-public school(s)	1
3.46	Childcare center(s)	10
3.47	Summer camp(s)	11
3.48	Municipality/Municipalities	1
3.49	Literacy provider(s)	1
3.50	Other (describe using the State note)	0
3.51	Total Collaborators (total 3.44 through 3.50)	26

Please report information on EARLY LITERACY PROGRAMS for the 2019 calendar year.

EARLY LITERACY PROGRAMS

3.52	Did the library offer early literacy programs? (Enter Y for Yes, N for No)	Y
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Early Literacy Programs/Adult Literacy Programs/Programs for ESOL/Digital Literacy Programs

3.53 - Indicate types of programs offered (check all that apply)

a.	Focus on birth - school entry (kindergarten)	No
b.	Focus on parents & caregivers	No
c.	Combined audience	Yes
d.	N/A	No

3.54 - Number of sessions

a.	Focus on birth - school entry (kindergarten)	0
b.	Focus on parents & caregivers	0
c.	Combined audience	19,475
d.	N/A	N/A
3.55	Total Sessions	19,475

3.56 - Attendance at sessions	
a. Focus on birth - school entry (kindergarten)	0
b. Focus on parents & caregivers	0
c. Combined audience	19,475
d. N/A	N/A
3.57 Total Attendance	19,475

3.58 - Collaborators (check all that apply):

a. Childcare center(s)	Yes
b. Public School District(s) and/or BOCES	No
c. Non-Public School(s)	Yes
d. Health care providers/agencies	No
e. Other (describe using the State note)	No

Please report information on ADULT LITERACY for the 2019 calendar year.

ADULT LITERACY

3.59 Did the library offer adult literacy programs?	Yes
3.60 Total group program sessions	52
3.61 Total one-on-one program sessions	24
3.62 Total group program attendance	180
3.63 Total one-on-one program attendance	24
3.64 - Collaborators (check all that apply)	
a. Literacy NY (Literacy Volunteers of America)	Yes
b. Public School District(s) and/or BOCES	No
c. Non-Public Schools	No
d. Other (see instructions and describe using Note)	No

Please report information on PROGRAMS FOR ENGLISH SPEAKERS OF OTHER LANGUAGES (ESOL) for the 2019 calendar year.

PROGRAMS FOR ENGLISH SPEAKERS OF OTHER LANGUAGES (ESOL)

3.65 Did the library offer programs for English Speakers of Other Languages (ESOL)? (Enter Y for Yes, N for No)	Y
3.66 Children's program sessions	12
3.67 Young adult program sessions	0
3.68 Adult program sessions	60
3.69 Total program sessions (total 3.66 + 3.67 + 3.68)	72
3.70 One-on-one program sessions	24
3.71 Children's program attendance	221
3.72 Young adult program attendance	0
3.73 Adult program attendance	204
3.74 Total program attendance (total 3.71 + 3.72 + 3.73)	425
3.75 One-on-one program attendance	24
3.76 - Collaborators (check all that apply):	
a. Literacy NY (Literacy Volunteers of America)	Yes
b. Public School District(s) and/or BOCES	Yes

- | | | |
|----|---------------------------------|-----|
| c. | Non-Public School(s) | Yes |
| d. | Other (describe using the Note) | No |

Please report information on DIGITAL LITERACY for the 2019 calendar year.

DIGITAL LITERACY

3.77	Did the library offer digital literacy programs?	Y
3.78	Total group program sessions	420
3.79	Total one-on-one program sessions	0
3.80	Total group program attendance	4,934
3.81	Total one-on-one program attendance	0
3.82	Did your library offer teen-led activities during the 2019 calendar year?	Y
3.83	Did your library offer teen-led activities during the 2018 calendar year?	Y

4. LIBRARY TRANSACTIONS

Circulation/Electronic Use/Reference Transactions

Report all transactions as of the end of the fiscal year reported in Part 1. (Please note: Internal Library usage is not considered part of circulation.)

CATALOGED BOOK CIRCULATION

4.1	Adult Fiction Books	25,017
4.2	Adult Non-fiction Books	29,168
4.3	Total Adult Books (Total questions 4.1 & 4.2)	54,185
4.4	Children's Fiction Books	25,171
4.5	Children's Non-fiction Books	6,010
4.6	Total Children's Books (Total questions 4.4 & 4.5)	31,181
4.7	Total Cataloged Book Circulation (Total question 4.3 & 4.6)	85,366

CIRCULATION OF OTHER MATERIALS

4.8	Circulation of Adult Other Materials	45,576
4.9	Circulation of Children's Other Materials	6,655
4.10	Total Circulation of Other Materials (Total questions 4.8, 4.9)	52,231
4.11	Physical Item Circulation (Total questions 4.7 & 4.10)	137,597

ELECTRONIC USE

4.12	Use of Electronic Material	5,972
4.13	Successful Retrieval of Electronic Information	117,010
4.14	Electronic Content Use (Total questions 4.12 & 4.13)	122,982
4.15	Total Circulation of Materials (Total questions 4.11 & 4.12)	143,569
4.16	Total Collection Use (Total questions 4.13 & 4.15)	260,579
4.17	Grand Total Circulation of Children's Materials (Total questions 4.6 & 4.9)	37,836

REFERENCE TRANSACTIONS

4.18	Total Reference Transactions	37,165
4.19	Does the library offer virtual reference?	Y

Interlibrary Loan**INTERLIBRARY LOAN - MATERIALS RECEIVED (BORROWED)**

4.20	TOTAL MATERIALS RECEIVED	24,365
------	--------------------------	--------

INTERLIBRARY LOAN - MATERIALS PROVIDED (LOANED)

4.21	TOTAL MATERIALS PROVIDED	39,347
------	--------------------------	--------

5. TECHNOLOGY AND TELECOMMUNICATIONS

Report all information as of December 31, 2019.

SYSTEMS AND SERVICES

5.1	Automated circulation system?	Y
5.2	Online public access catalog (OPAC)?	Y
5.3	Electronic access to the OPAC from outside the library?	Y
5.4	Annual number of visits to the library's web site	157,238
5.5	Does the library use Internet filtering software on any computer?	Y
5.6	Does your library use social media?	Y
5.7	Does the library file for E-rate benefits?	Y
5.8	Is the library part of a consortium for E-rate benefits?	Y
5.9	If yes, in which consortium are you participating?	Westchester Library System
5.10	Name of the person responsible for the library's Information Technology (IT) services	Leroy Lea
5.11	IT contact's telephone number (enter 10 digits only and hit the Tab key)	(914) 668-1840
5.12	IT contact's email address	llea@wlsmail.org

6. STAFF INFORMATION

Note: Report figures as of the last day of the fiscal year reported in Part 1. Include the FTE for all positions funded in the library's budget whether those positions are filled or not. This report requires conversion of part-time hours to full-time equivalents (FTE). To compute the FTE of employees in any category, take the total number of hours worked per week for all budgeted positions in that category and divide that total by the number of hours per week the library considers to be full-time. Report the FTE to two decimal places.

FTE (FULL-TIME EQUIVALENT CALCULATION)

6.1	The number of hours per workweek used to compute FTE for all paid library personnel in this section.	35
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BUDGETED POSITIONS IN FULL-TIME EQUIVALENTS

6.2	Library Director (certified)	1
6.3	Vacant Library Director (certified)	0
6.4	Librarian (certified)	9

6.5	Vacant Librarian (certified)	1
6.6	Library Manager (not certified)	0
6.7	Vacant Library Manager (not certified)	0
6.8	Library Specialist/Paraprofessional (not certified)	0
6.9	Vacant Library Specialist/Paraprofessional (not certified)	0
6.10	Other Staff	38
6.11	Vacant Other Staff	2
6.12	TOTAL PAID STAFF (Total questions 6.2, 6.4, 6.6, 6.8 & 6.10)	48.00
6.13	VACANT TOTAL PAID STAFF (Total questions 6.3, 6.5, 6.7, 6.9 & 6.11)	3.00

SALARY INFORMATION

6.14	FTE - Entry Level Librarian (certified)	1
6.15	Salary - Entry Level Librarian (certified)	\$52,790
6.16	FTE - Library Director (certified)	1
6.17	Salary - Library Director (certified)	\$104,139
6.18	FTE - Library Manager (not certified)	0
6.19	Salary - Library Manager (not certified)	\$0

7. MINIMUM PUBLIC LIBRARY STANDARDS (CURRENT)

Report all information as of December 31, 2019. Please click [here](#) to read general instructions before completing this section.

7.1	1. Is governed by board-approved written bylaws which outline the responsibilities and procedures of the library board of trustees.	Y
7.2	2. Has a board-approved written long range plan of service.	Y
7.3	3. Presents a board-approved annual report to the community on the library's progress in meeting its goals and objectives.	Y
7.4	4. Has board-approved written policies for the operation of the library.	Y
7.5	5. Presents annually to appropriate funding agencies a written board-approved budget which would enable the library to meet or exceed these standards and to carry out its long-range plan of service.	Y
7.6	6. Periodically evaluates the effectiveness of the library's collection and services in meeting community needs.	Y
7.7	7. Is open the minimum standard number of public service hours for population served. (see instructions)	Y
8.	Maintains a facility to meet community needs, including adequate:	
7.8	8a. space	Y
7.9	8b. lighting	Y
7.10	8c. shelving	Y
7.11	8d. seating	Y
7.12	8e. restroom (see instructions)	Y
9.	Provides equipment and connections to meet community needs and provide access to other library catalogs and other electronic information, including but not limited to the following:	

7.13	9a. telephone	Y
7.14	9b. photocopier (see instructions)	Y
7.15	9c. microcomputer or terminal	Y
7.16	9d. printer	Y
7.17	9e. Fax capability (see instructions)	Y
7.18	10. Distributes board-approved printed information listing the library's hours open, borrowing rules, services, location and phone number.	Y
7.19	11. Employs a paid director in accordance with the provisions of Commissioner's Regulation 90.8.	Y

7. MINIMUM PUBLIC LIBRARY STANDARDS (AS OF 2021)

As of January 1, 2021 all public, free association and Indian libraries in New York State will be required to meet the minimum standards listed below. Please indicate which of these standards your library already meets as of **December 31, 2019**. This 2019 data will be helpful in informing statewide and regional efforts to ensure that all of New York's libraries are able to successfully comply with the new minimum standards. Please click [here](#) to read general instructions before completing this section. [Helpful information for meeting minimum public library standards](#) is available on the State Library's website. Questions about the new standards should be directed to your library system.

1.	Is governed by written bylaws which define the structure and governing functions of the library board of trustees, and which shall be reviewed and re-approved by the board of trustees at least once every five years or earlier if required by law.	Y
2.	Has a community-based, board-approved, written long-range plan of service developed by the library board of trustees and staff.	Y
3.	Provides a board-approved written annual report to the community on the library's progress in meeting its mission, goals and objectives, as outlined in the library's long-range plan of service.	Y
4.	Has board-approved written policies for the operation of the library, which shall be reviewed and updated at least once every five years or earlier if required by law.	Y
5.	Annually prepares and publishes a board-approved, written budget, which enables the library to address the community's needs, as outlined in the library's long-range plan of service.	Y
6.	Periodically evaluates the effectiveness of the library's programs, services and collections to address community needs, as outlined in the library's long-range plan of service.	Y
7.	Is open the minimum standard number of public service hours for population served. (see instructions)	Y
8.	Maintains a facility that addresses community needs, as outlined in the library's long-range plan of service, including adequate:	
8a.	space	Y

8b.	lighting	Y
8c.	shelving	Y
8d.	seating	Y
8e.	power infrastructure	Y
8f.	data infrastructure	Y
8g.	public restroom	Y
9.	Provides programming to address community needs, as outlined in the library's long-range plan of service.	Y
10.	Provides	
10a.	a circulation system that facilitates access to the local library collection and other library catalogs	Y
10b.	equipment, technology, and internet connectivity to address community needs and facilitate access to information.	Y
11.	Provides access to current library information in print and online, facilitating the understanding of library services, operations and governance; information provided online shall include the standards referenced in numbers (1) through (5) above.	Y
12.	Employs a paid director in accordance with the provisions of Commissioner's Regulation 90.8.	Y
13.	Provides library staff with annual technology training, appropriate to their position, to address community needs, as outlined in the library's long-range plan of service.	Y
14.	Establishes and maintains partnerships with other educational, cultural or community organizations which enable the library to address the community's needs, as outlined in the library's long-range plan of service.	Y

8. PUBLIC SERVICE INFORMATION

Report all information as of the end of the fiscal year reported in Part 1. Please click [here](#) to read general instructions before completing this section.

PUBLIC SERVICE OUTLETS - Libraries reporting main libraries, branches and bookmobiles should complete Service Outlets Information in Part 9.

8.1	Main Library	1
8.2	Branches	0
8.3	Bookmobiles	0
8.4	Other Outlets	0
8.5	TOTAL PUBLIC SERVICE OUTLETS (Total questions 8.1 - 8.4)	1

PUBLIC SERVICE HOURS - Report hours to two decimal places.

8.6	Minimum Weekly Total Hours - Main Library	57.00
8.7	Minimum Weekly Total Hours - Branch Libraries	0.00
8.8	Minimum Weekly Total Hours - Bookmobiles	0.00
8.9	Minimum Weekly Total Hours - Total Hours Open (Total questions 8.6 - 8.8)	57.00

8.10	Annual Total Hours - Main Library	2,964.00
8.11	Annual Total Hours - Branch Libraries	0.00
8.12	Annual Total Hours - Bookmobiles	0.00
8.13	Annual Hours Open - Total Hours Open (Total questions 8.10 through 8.12)	2,964.00

9. SERVICE OUTLET INFORMATION

Report all information as of the end of the fiscal year reported in Part 1. Please click [here](#) to read general instructions before completing this section.

NOTE: Libraries reporting Public Service Outlets in questions 8.1, 8.2 and 8.3 of Part 8 are required to complete this part of the Annual Report. Use this section to enter outlet information on main libraries, branches or bookmobiles. Complete one record for *each* main library, branch or bookmobile.

If you have multiple libraries, you may 1) enter the data for the Service Outlet Information section directly into the survey as usual or 2) send Baker and Taylor the data for this section to be uploaded into CollectConnect. If you choose to send your data for uploading, you must enter the data into the spreadsheet form available in the survey by clicking [here](#)

1.	Outlet Name	Mount Vernon Public Library
2.	Outlet Name Status	00 (for no change)
3.	Street Address	28 South First Avenue
4.	Outlet Street Address Status	00 (for no change)
5.	City	Mount Vernon
6.	Zip Code	10550
7.	Phone (enter 10 digits only)	(914) 668-1840
8.	Fax Number (enter 10 digits only)	(914) 668-1018
9.	E-mail Address	ethompson@wlsmail.org
10.	Outlet URL	www.mountvernonlibrary.org
11.	County	Westchester
12.	School District	Mount Vernon
13.	Library System	Westchester Library System
14.	Outlet Type Code (select one):	CE
15.	Public Service Hours Per Year for This Outlet	2,964
16.	Number of Weeks This Outlet is Open	52
17.	Does this outlet have meeting space available for public use (non-library sponsored programs, meetings and/or events)?	Y
18.	Is the meeting space available for public use even when the outlet is closed?	N
19.	Total number of non-library sponsored programs, meetings and/or events at this outlet	571
20.	Enter the appropriate outlet code (select one):	LO
21.	Who owns this outlet building?	Library Board
22.	Who owns the land on which this outlet is built?	Library Board
23.	Indicate the year this outlet was initially constructed	1896

24.	Indicate the year this outlet underwent a major renovation costing \$25,000 or more	2006
25.	Square footage of the outlet	48,000
26.	Number of internet computers at this outlet used by general public	49
27.	Number of uses (sessions) of public Internet computers per year	52,536
28.	Type of connection on the outlet's public Internet computers	Fiber
29.	Maximum <u>download</u> speed of connection on the outlet's public Internet computers	5 Greater than or equal to 3 mbps and less than 6 mbps
30.	Maximum <u>upload</u> speed of connection on the outlet's public Internet computers	5 Greater than or equal to 3 mbps and less than 6 mbps
31.	Internet Provider	Spectrum/Time Warner Cable
32.	WiFi Access	No restrictions to access
33.	Number of wireless sessions provided by the library wireless service per year	123,109
34.	Does the outlet have interactive videoconferencing capability for public use?	N
35.	Does the outlet have a building entrance that is physically accessible to a person in a wheelchair?	Y
36.	Is every public part of the outlet accessible to a person in a wheelchair?	Y
37.	Does your outlet have a Makerspace?	Y
38.	<i>LIBID</i>	8800664310
39.	<i>FSCSID</i>	NY0744
40.	<i>Number of Bookmobiles in the Bookmobile Outlet Record</i>	0
41.	<i>Outlet Structure Status</i>	00 (for no change from previous year)

10. OFFICERS AND TRUSTEES

Trustees and Terms/Board President/Trustee Names

Report information about trustee meetings as of December 31, 2019. All public and association libraries are required by Education Law to hold at least four meetings a year.

BOARD MEETINGS

10.1 Total number of board meetings held during calendar year (January 1, 2019 to December 31, 2019) 34

NUMBER OF TRUSTEES AND TERMS

10.2 Does your library have a range of trustees stated in the library's charter documents (incorporation)? Yes

10.3 If yes, what is the range? 5-15

10.4 If your library has a range, how many voting positions are stated in the library's current by-laws? 5

- 10.5 If your library does not have a range, how many voting positions are stated in the library's charter documents (incorporation)?
- 10.6 Does your library's charter documents (incorporation) state a specified term for trustees? If no, please explain in a Note. Yes
- 10.7 If yes, what is the trustee term length, as stated in your library's charter documents (incorporation)? 5

BOARD MEMBER SELECTION

- 10.8 Enter Board Member Selection Code (select one): EP - board members are elected in a public election

List Officers and Board Members as of February 1, 2020. Complete one record for each board member. There must be a record for each voting position, whether filled or vacant. Do not include non-voting positions.

BOARD PRESIDENT

- 10.9 First Name Oscar
- 10.10 Last Name Davis
- 10.11 Mailing Address 28 S. 1st Avenue
- 10.12 City Mount Vernon
- 10.13 Zip Code (5 digits only) 10550
- 10.14 Phone (enter 10 digits only) (914) 668-1840
- 10.15 E-mail Address odavis@wlsmail.org
- 10.16 Term Begins - Month June
- 10.17 Term Begins - Year (yyyy) 2018
- 10.18 Term Expires - Month June
- 10.19 Term Expires - Year (yyyy) 2023
- 10.20 Is the trustee serving a full term? If No, add a Note. The Note should identify the previous trustee whose unexpired term is being filled, and should identify the beginning and ending date of the unexpired previous trustee's term. Example: Trustee is filling the remainder of [name]'s term, which was to run from beginning date to ending date. Yes
- 10.21 The date the Oath of Office was taken (mm/dd/yyyy) 07/18/2018
- 10.22 The date the Oath of Office was filed with town or county clerk (mm/dd/yyyy) 07/25/2019
- 10.23 Is this a brand new trustee? N

You may 1) enter the data for the Officers and Board Members directly into the survey as usual or 2) send Baker and Taylor the data for this section to be uploaded into CollectConnect (**but do not include the Board President—this information should still be entered directly into the survey**). If you choose to send your data for uploading, you must enter the data into the spreadsheet form available [here](#). Complete this form and email it to bibliostat@baker-taylor.com.

1. Status Filled
2. First Name of Board Member Malcolm
3. Last Name of Board Member Clark
4. Mailing Address 28 S. 1st Avenue
5. City Mount Vernon

6.	Zip Code (5 digits only)	10550
7.	E-mail address	mclark@wlsmail.org
8.	Office Held or Trustee	Vice President
9.	Term Begins - Month	June
10.	Term Begins - Year (year)	2017
11.	Term Expires	July
12.	Term Expires - Year (yyyy)	2022
13.	Is the trustee serving a full term? If No, add a Note. The Note should identify the previous trustee whose unexpired term is being filled, and should identify the beginning and ending date of the unexpired previous trustee's term. Example: Trustee is filling the remainder of [name]'s term, which was to run from beginning date to ending date.	No
14.	The date the Oath of Office (mm/dd/yyyy) was taken	07/19/2017
15.	The date the Oath of Office was filed with town or county clerk (mm/dd/yyyy)	08/10/2017
16.	Is this a brand new trustee?	N
1.	Status	Filled
2.	First Name of Board Member	Cathlin
3.	Last Name of Board Member	Gleason
4.	Mailing Address	28 S. 1st Avenue
5.	City	Mount Vernon
6.	Zip Code (5 digits only)	10550
7.	E-mail address	cgleason@wlsmail.org
8.	Office Held or Trustee	Trustee
9.	Term Begins - Month	June
10.	Term Begins - Year (year)	2016
11.	Term Expires	June
12.	Term Expires - Year (yyyy)	2020
13.	Is the trustee serving a full term? If No, add a Note. The Note should identify the previous trustee whose unexpired term is being filled, and should identify the beginning and ending date of the unexpired previous trustee's term. Example: Trustee is filling the remainder of [name]'s term, which was to run from beginning date to ending date.	No
14.	The date the Oath of Office (mm/dd/yyyy) was taken	07/20/2016
15.	The date the Oath of Office was filed with town or county clerk (mm/dd/yyyy)	08/10/2016
16.	Is this a brand new trustee?	Y
1.	Status	Filled
2.	First Name of Board Member	Judy
3.	Last Name of Board Member	Williams-Davis
4.	Mailing Address	28 S. 1st avenue
5.	City	Mount Vernon

6.	Zip Code (5 digits only)	10550
7.	E-mail address	jwilliamsdavis@wlsmail.org
8.	Office Held or Trustee	Trustee
9.	Term Begins - Month	June
10.	Term Begins - Year (year)	2019
11.	Term Expires	June
12.	Term Expires - Year (yyyy)	2022
13.	Is the trustee serving a full term? If No, add a Note. The Note should identify the previous trustee whose unexpired term is being filled, and should identify the beginning and ending date of the unexpired previous trustee's term. Example: Trustee is filling the remainder of [name]'s term, which was to run from beginning date to ending date.	Yes
14.	The date the Oath of Office (mm/dd/yyyy) was taken	07/17/2019
15.	The date the Oath of Office was filed with town or county clerk (mm/dd/yyyy)	08/10/2017
16.	Is this a brand new trustee?	Y

1.	Status	Filled
2.	First Name of Board Member	Tanya
3.	Last Name of Board Member	Southerland
4.	Mailing Address	28 S. 1st Avenue
5.	City	Mount Vernon
6.	Zip Code (5 digits only)	10550
7.	E-mail address	tsoutherland@wlsmail.org
8.	Office Held or Trustee	Trustee
9.	Term Begins - Month	July
10.	Term Begins - Year (year)	2017
11.	Term Expires	June
12.	Term Expires - Year (yyyy)	2022
13.	Is the trustee serving a full term? If No, add a Note. The Note should identify the previous trustee whose unexpired term is being filled, and should identify the beginning and ending date of the unexpired previous trustee's term. Example: Trustee is filling the remainder of [name]'s term, which was to run from beginning date to ending date.	Yes
14.	The date the Oath of Office (mm/dd/yyyy) was taken	07/19/2017
15.	The date the Oath of Office was filed with town or county clerk (mm/dd/yyyy)	08/10/2017
16.	Is this a brand new trustee?	N

Trustee Education

1.	Trustee Name	Oscar Davis Jr
2.	Has the trustee participated in trustee education in the last calendar year (2019)?	Y

1.	Trustee Name	Malcolm Clark
2.	Has the trustee participated in trustee education in the last calendar year (2019)?	Y
1.	Trustee Name	Cathlin Gleason
2.	Has the trustee participated in trustee education in the last calendar year (2019)?	Y
1.	Trustee Name	Judy Williams-Davis
2.	Has the trustee participated in trustee education in the last calendar year (2019)?	Y
1.	Trustee Name	Tanya Southerland
2.	Has the trustee participated in trustee education in the last calendar year (2019)?	Y
1.	Trustee Name	Hope Marable
2.	Has the trustee participated in trustee education in the last calendar year (2019)?	N

11. OPERATING FUNDS RECEIPTS

Local Public Funds/System Cash Grants/Other State Aid

Report financial data based on the fiscal reporting year reported in Part 1. *ROUND TO THE NEAREST DOLLAR*. Please click [here](#) to read general instructions before completing this section.

LOCAL PUBLIC FUNDS

Specify by name the municipalities or school districts which are the source of funds.

11.1	Does the library receive any local public funds? If yes, complete one record for each taxing authority; if no, go to question 11.3.	Y
1.	Source of Funds	School District
2.	Name of funding County, Municipality or School District	City of Mount Vernon
3.	Amount	\$4,656,067
4.	Subject to public vote held in reporting year or in a previous reporting year(s).	Y
5.	Written Contractual Agreement	N/A
11.2	TOTAL LOCAL PUBLIC FUNDS	\$4,656,067
SYSTEM CASH GRANTS TO MEMBER LIBRARY		
11.3	Local Library Services Aid (LLSA)	\$17,750
11.4	Central Library Aid (CLDA and/or CBA)	\$0
11.5	Additional State Aid received from the System	\$0

11.6	Federal Aid received from the System	\$0
11.7	Other Cash Grants	\$0
11.8	TOTAL SYSTEM CASH GRANTS (Add Questions 11.3, 11.4, 11.5, 11.6 and 11.7)	\$17,750

OTHER STATE AID

11.9	State Aid other than LLSA, Central Library Aid (CLDA and/or CBA), or other State Aid reported as system cash grants	\$0
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Federal Aid/Other Receipts**FEDERAL AID FOR LIBRARY OPERATION**

11.10	LSTA	\$0
11.11	Other Federal Aid	\$0
11.12	TOTAL FEDERAL AID (Add Questions 11.10 and 11.11)	\$0
11.13	CONTRACTS WITH PUBLIC LIBRARIES AND/OR PUBLIC LIBRARY SYSTEMS IN NEW YORK STATE	\$0

OTHER RECEIPTS

11.14	Gifts and Endowments	\$0
11.15	Fund Raising	\$0
11.16	Income from Investments	\$0
11.17	Library Charges	\$11,525
11.18	Other	\$0
11.19	TOTAL OTHER RECEIPTS (Add Questions 11.14, 11.15, 11.16, 11.17 and 11.18)	\$11,525
11.20	TOTAL OPERATING FUND RECEIPTS (Add Questions 11.2, 11.8, 11.9, 11.12, 11.13 and 11.19)	\$4,685,342
11.21	BUDGET LOANS	\$0

Transfers/Grant Total**TRANSFERS**

11.22	From Capital Fund (Same as Question 14.8)	\$0
11.23	From Other Funds	\$0
11.24	TOTAL TRANSFERS (Add Questions 11.22 and 11.23)	\$0
11.25	BALANCE IN OPERATING FUND - Beginning Balance for Fiscal Year Ending 2019 (Same as Question 12.40 of previous year if fiscal year has not changed)	\$1,112,086
11.26	GRAND TOTAL RECEIPTS, BUDGET LOANS, TRANSFERS AND BALANCE (Add Questions 11.20, 11.21, 11.24 and 11.25; Same as Question 12.41)	\$5,797,428

12. OPERATING FUND DISBURSEMENTS

Staff/Collection/Capital/Operation and Maintenance/Miscellaneous

Report financial data based on the fiscal reporting year reported in Part 1. ROUND TO THE NEAREST DOLLAR. Please click [here](#) to read general instructions before completing this section.

STAFF EXPENDITURES**Salaries & Wages Paid from Library Funds**

12.1	Certified Librarians	\$722,896
12.2	Other Staff	\$1,670,768
12.3	Total Salaries & Wages Expenditures (Add Questions 12.1 and 12.2)	\$2,393,664
12.4	Employee Benefits Expenditures	\$1,376,664
12.5	Total Staff Expenditures (Add Questions 12.3 and 12.4)	\$3,770,328

COLLECTION EXPENDITURES

12.6	Print Materials Expenditures	\$132,618
12.7	Electronic Materials Expenditures	\$43,522
12.8	Other Materials Expenditures	\$67,301
12.9	Total Collection Expenditures (Add Questions 12.6, 12.7 and 12.8)	\$243,441

CAPITAL EXPENDITURES FROM OPERATING FUNDS

12.10	From Local Public Funds (71PF)	\$0
12.11	From Other Funds (71OF)	\$0
12.12	Total Capital Expenditures (Add Questions 12.10 and 12.11)	\$0

OPERATION AND MAINTENANCE OF BUILDINGS**Repairs to Building & Building Equipment**

12.13	From Local Public Funds (72PF)	\$375,382
12.14	From Other Funds (72OF)	\$0
12.15	Total Repairs (Add Questions 12.13 and 12.14)	\$375,382
12.16	Other Disbursements for Operation & Maintenance of Buildings	\$0
12.17	Total Operation & Maintenance of Buildings (Add Questions 12.15 and 12.16)	\$375,382

MISCELLANEOUS EXPENSES

12.18	Office and Library Supplies	\$28,827
12.19	Telecommunications	\$3,057
12.20	Binding Expenses	\$0
12.21	Postage and Freight	\$6,136
12.22	Professional & Consultant Fees	\$185,327
12.23	Equipment	\$47,940
12.24	Other Miscellaneous	\$0
12.25	Total Miscellaneous Expenses (Add Questions 12.18, 12.19, 12.20, 12.21, 12.22, 12.23 and 12.24)	\$271,287

Contracts/Debt Service/Transfers/Grand Total

12.26 **CONTRACTS WITH PUBLIC LIBRARIES AND/OR PUBLIC LIBRARY SYSTEMS IN NEW YORK STATE** \$136,584

DEBT SERVICE**Capital Purposes Loans (Principal and Interest)**

12.27 From Local Public Funds (73PF) \$0

12.28 From Other Funds (73OF) \$0

12.29 **Total (Add Questions 12.27 and 12.28)** \$0

Other Loans

12.30 Budget Loans (Principal and Interest) \$0

12.31 Short-Term Loans \$0

12.32 **Total Debt Service (Add Questions 12.29, 12.30 and 12.31)** \$0

12.33 **TOTAL OPERATING FUND DISBURSEMENTS (Add Questions 12.5, 12.9, 12.12, 12.17, 12.25, 12.26 and 12.32)** \$4,797,022

TRANSFERS**Transfers to Capital Fund**

12.34 From Local Public Funds (76PF) \$0

12.35 From Other Funds (76OF) \$0

12.36 **Total Transfers to Capital Fund (Add Questions 12.34 and 12.35; same as Question 13.8)** \$0

12.37 **Transfer to Other Funds** \$0

12.38 **TOTAL TRANSFERS (Add Questions 12.36 and 12.37)** \$0

12.39 **TOTAL DISBURSEMENTS AND TRANSFERS (Add Questions 12.33 and 12.38)** \$4,797,022

12.40 BALANCE IN OPERATING FUND - Ending Balance for the Fiscal Year Ending 2019 \$1,000,406

12.41 **GRAND TOTAL DISBURSEMENTS, TRANSFERS & BALANCE (Add Questions 12.39 and 12.40; same as Question 11.26)** \$5,797,428

ASSURANCE

12.42 The Library operated in accordance with all provisions of Education Law and the Regulations of the Commissioner, and assures that the "Annual Report" was reviewed and accepted by the Library Board on (date - mm/dd/yyyy). 07/19/2020

FISCAL AUDIT

12.43 Last audit performed (mm/dd/yyyy) 08/30/2014

12.44 Time period covered by this audit (mm/dd/yyyy) - (mm/dd/yyyy) 01/01/2013-12/31/2013

12.45 Indicate type of audit (select one): City

CAPITAL FUND

- 12.46 Does the library have a Capital Fund? Enter Y for Yes, N for No. If No, stop here. If Yes, complete the Capital Fund Report.

13. CAPITAL FUND RECEIPTS

Report financial data based on the fiscal year reported in Part 1. *ROUND TO THE NEAREST DOLLAR*. Please click [here](#) to read general instructions before completing this section.

REVENUES FROM LOCAL SOURCES

13.1	Revenues from Local Government Sources	\$0
13.2	All Other Revenues from Local Sources	\$0
13.3	Total Revenues from Local Sources (Add Questions 13.1 and 13.2)	\$0

STATE AID FOR CAPITAL PROJECTS

13.4	State Aid Received for Construction	\$69,187
13.5	Other State Aid	\$0
13.6	Total State Aid (Add Questions 13.4 and 13.5)	\$69,187

FEDERAL AID FOR CAPITAL PROJECTS

13.7	TOTAL FEDERAL AID	\$0
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INTERFUND REVENUE

13.8	Transfer from Operating Fund (Same as Question 12.36)	\$0
13.9	TOTAL REVENUES (Add Questions 13.3, 13.6, 13.7 and 13.8)	\$69,187
13.10	NON-REVENUE RECEIPTS	\$0
13.11	TOTAL CASH RECEIPTS (Add Questions 13.9 and 13.10)	\$69,187
13.12	BALANCE IN CAPITAL FUND - Beginning Balance for Fiscal Year Ending 2019 (Same as Question 14.11 of previous year, if fiscal year has not changed)	\$48,932
13.13	TOTAL CASH RECEIPTS AND BALANCE (Add Questions 13.11 and 13.12; same as Question 14.12)	\$118,119

14. CAPITAL FUND DISBURSEMENTS

Report financial data based on the fiscal reporting year reported in Part 1. *ROUND TO THE NEAREST DOLLAR*. Please click [here](#) to read general instructions before completing this section.

PROJECT EXPENDITURES

14.1	Construction	\$113,837
14.2	Incidental Construction	\$0

Other Disbursements

14.3	Purchase of Buildings	\$0
14.4	Interest	\$0
14.5	Collection Expenditures	\$0
14.6	Total Other Disbursements (Add Questions 14.3, 14.4 and 14.5)	\$0

	14.5)	
14.7	TOTAL PROJECT EXPENDITURES (Add Questions 14.1, 14.2 and 14.6)	\$113,837
14.8	TRANSFER TO OPERATING FUND (Same as Question 11.22)	\$0
14.9	NON-PROJECT EXPENDITURES	\$0
14.10	TOTAL CASH DISBURSEMENTS AND TRANSFERS (Add Questions 14.7, 14.8 and 14.9)	\$113,837
14.11	BALANCE IN CAPITAL FUND - Ending Balance for the Fiscal Year Ending 2019	\$4,282
14.12	TOTAL CASH DISBURSEMENTS AND BALANCE (Add Questions 14.10 and 14.11; same as Question 13.13)	\$118,119

15. CENTRAL LIBRARIES

CENTRAL BOOK AID (CBA)

Statutory Education Law § 272, 273(1)(b)(2)

Reference: Commissioners Regulations 90.4

Central Book Aid is a flat sum of \$71,500 to each public library system. The fiscal year for Central Book Aid is the calendar year. Please see the Central Library Program Guidelines at <http://www.nysl.nysed.gov/libdev/clda/index.html> for more information.

Include in this category library expenditures for CBA library materials. CBA funds may only be expended for adult non-fiction and foreign language library materials, including electronic content. Record the central/co-central library's actual disbursement of these State Aid funds as allocated to the Library by the public library system. Report here only those funds actually expended by the Library during the calendar year ending December 31, 2019. Do not report funds spent by the public library system on the Library's behalf.

15.1.1 **Purchased Services:** Did the central/co-central library expend CBA funds for purchased services for CBA library materials? Enter Y for Yes, N for No.

Note: For questions which include a choice of "Other" in a drop-down menu, please add a State Note of explanation when "Other" is chosen. Also please see individual instructions for these questions for any further requirements.

List services purchased with CBA funds in separate repeating groups, itemizing by vendor contract. If yes, complete one record for each allowable expenditure; if no, enter N/A for questions 1, 2, and 3 of one repeating group.

- | | | |
|----|----------------------|-----|
| 1. | Expenditure Category | N/A |
| 2. | Provider of Services | N/A |

3. Expenditure N/A
- 15.1.2 **Total Expenditure - Purchased Services** \$0
- 15.1.3 **Supplies and Materials:** Did the central/co-central library expend CBA funds for adult non-fiction and foreign language library materials? Enter Y for Yes, N for No.

Note: For questions which include a choice of "Other" in a drop-down menu, please add a State Note of explanation when "Other" is chosen. Also please see individual instructions for these questions for any further requirements.

If yes, complete one record for each applicable category; if no, enter N/A for questions 1, 2, 3, and 4 of one repeating group.

1. Expenditure Category N/A
2. Quantity N/A
3. Unit Cost N/A
4. Expenditure N/A
- 15.1.4 **Total Expenditure - Supplies and Materials** \$0
- 15.1.5 **Total Expenditure (total 15.1.2 and 15.1.4)** \$0
- 15.1.6 **Cash Balance at the Opening of the Current Fiscal Year**
NOTE: The opening balance must be the same as the closing balance of the previous year. \$0
- 15.1.7 **Total Allocation received from the system.**
- 15.1.8 **Cash Balance at the End of the Current Fiscal Year (total 15.1.7 - 15.1.5 + 15.1.6)** \$0
- 15.1.9 **Final Narrative:** Provide a brief narrative, no more than five hundred (500) words, describing the major activities carried out with these State Aid Funds.

CENTRAL LIBRARY DEVELOPMENT AID (CLDA)

Statutory Education Law § 272, 273(1)(b)(1)

Reference: Commissioners Regulations 90.4

The formula is \$0.32 per capita or \$105,000 whichever is greater, to each public library system. Please see the Central Library Program Guidelines at

<http://www.nysl.nysed.gov/libdev/clda/index.html>

for more information. Note: CLDA funds which are expended for library materials must be used for adult non-fiction and foreign language, including electronic content. The fiscal year for Central Library Development Aid (CLDA) is the calendar year. Record the central/co-central library's actual disbursement of these State Aid funds as allocated to the Library by the public library system. Report here only those funds actually expended by the Library during the calendar year ending December 31, 2019. Do not report funds spent by the public library system on the Library's behalf.

15.2.1 - 15.2.2 **Professional Salaries:** Indicate total FTE and salaries for all professional central/co-central library employees (paid from CLDA funds).

15.2.1 Total Full-Time Equivalents (FTE)

15.2.2 Total Expenditure for Professional Salaries

15.2.3 - 15.2.4 **Other Staff Salaries:** Indicate total FTE and salaries for all other central/co-central library employees (paid from CLDA funds).

15.2.3 Total Full-Time Equivalents (FTE)

15.2.4 Total Expenditures for Other Staff Salaries

15.2.5 **Employee Benefits:** Indicate the total expenditures for all central/co-central library employee benefits (paid from CLDA funds).

15.2.6 **Purchased Services:** Did the central/co-central library expend CLDA funds for purchased services? Enter Y for Yes, N for No.

Note: For questions which include a choice of "Other" in a drop-down menu, please add a State Note of explanation when "Other" is chosen. Also please see individual instructions for these questions for any further requirements.

If yes, complete one record for each applicable category; if no, enter N/A for questions 1, 2, and 3 of one repeating group.

1.	Expenditure Category	N/A
2.	Provider of Services	N/A
3.	Expenditure	N/A

15.2.7 **Total Expenditure - Purchased Services** \$0

15.2.8 **Supplies and Materials:** Did the central/co-central library expend funds for supply items, postage, adult nonfiction and foreign language library materials, or equipment and furnishings with a unit cost less than \$5,000? Enter Y for Yes, N for No.

Note: For questions which include a choice of "Other" in a drop-down menu, please add a State Note of explanation when "Other" is chosen. Also please see individual instructions for these questions for any further requirements.

If yes, complete one record for each applicable category; if no, enter N/A for questions 1 and 2 of one repeating group.

1.	Expenditure Category	N/A
2.	Expenditure	N/A

15.2.9 **Total Expenditure - Supplies and Materials** \$0

15.2.10 **Travel Expenditures:** Did the central/co-central library expend funds for travel? Enter Y for Yes, N for No.

If yes, complete one record for each type of travel; if no, enter N/A for questions 1 and 2 of one repeating group.

1.	Type of travel	N/A
2.	Expenditure	N/A

15.2.11 **Total Expenditures - Travel** \$0

15.2.12 **Equipment and Furnishings:** Did the central/co-central

library expend funds for equipment and furnishings with a unit cost of \$5,000 or more and having a useful life of more than one year? Enter Y for Yes, N for No.

If yes, complete one record for each type of item purchased; if no, enter N/A for questions 1, 2, 3 and 4 of one repeating group.

1.	Type of item	N/A
2.	Quantity	N/A
3.	Unit cost	N/A
4.	Expenditure	N/A
15.2.13	Total Expenditure - Equipment and Furnishings	\$0
15.2.14	Total Expenditure (total 15.2.2, 15.2.4, 15.2.5, 15.2.7, 15.2.9, 15.2.11 and 15.2.13)	\$0
15.2.15	Cash Balance at the Opening of the Fiscal Year NOTE: The opening balance must be the same as the closing balance of the previous year.	\$0
15.2.16	Total Allocation received from the system:	
15.2.17	Cash Balance at the end of the Current Fiscal Year (total 15.2.16 - 15.2.14 + 15.2.15)	\$0
15.2.18	Final Narrative: Provide a brief narrative, no more than five hundred (500) words, describing the major activities carried out with these State Aid Funds.	

16. FEDERAL TOTALS

All questions in Part 16 are calculated, locked fields.

Note: See instructions for definitions and calculations of each of these Federal Totals.

16.1	Total ALA-MLS	9.63
16.2	Total Librarians	9.63
16.3	All Other Paid Staff	35.00
16.4	Total Paid Employees	44.63
16.5	State Government Revenue	\$17,750
16.6	Federal Government Revenue	\$0
16.7	Other Operating Revenue	\$11,525
16.8	Total Operating Revenue	\$4,685,342
16.9	Other Operating Expenditures	\$783,253
16.10	Total Operating Expenditures	\$4,797,022
16.11	Total Capital Expenditures	\$113,837
16.12	Print Materials	283,396
16.13	Total Registered Borrowers	23,959
16.14	Other Capital Revenue and Receipts	\$0
16.15	Total Number of Internet Terminals Used by the General Public	49
16.16	Total Uses (sessions) of Public Internet Computers Per Year	52,536
16.17	Total Wireless Sessions Provided by the Library Wireless Service Per Year	123,109
16.18	Total Capital Revenue	\$69,187

17. FOR NEW YORK STATE LIBRARY USE ONLY

17.1	<i>LIB ID</i>	8800664310
17.2	<i>Interlibrary Relationship Code</i>	ME
17.3	<i>Legal Basis Code</i>	LD
17.4	<i>Administrative Structure Code</i>	SO
17.5	<i>FSCS Public Library Definition</i>	Y
17.6	<i>Geographic Code</i>	CI1
17.7	<i>FSCS ID</i>	NY0744
17.8	<i>SED CODE</i>	660900700009
17.9	<i>INSTITUTION ID</i>	800000035179

SUGGESTED IMPROVEMENTS

Library Name:	MOUNT VERNON PUBLIC LIBRARY
Library System:	Westchester Library System
Name of Person Completing Form:	Doreen McQueen
Phone Number:	(914) 668-1840
I am satisfied that this resource (Collect) is meeting library needs:	Strongly Agree
Applying this resource (Collect) will help improve library services to the public:	Strongly Agree
Please share with us your suggestions for improving the <i>Annual Report</i> . When providing feedback, if applicable please indicate the question number each comment/suggestion refers to. Thank you!	

Exhibit 'F'

HANDBOOK FOR LIBRARY TRUSTEES OF NEW YORK STATE

2018
Edition

Jerry Nichols,
Palmer School of Library and Information
Science, LIU Post, Brookville, NY

Rebekkah Smith Aldrich,
Mid Hudson Library System, Poughkeepsie, NY

With the assistance of the
Library Trustees Association of New York State
New York Library Association
New York State Library
Public Library Systems Directors Organization of New York State

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**Printed by the
Suffolk Cooperative Library System
Bellport, New York**

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ACKNOWLEDGEMENTS

*This latest revision of the **Handbook for Library Trustees of New York State** is a testament to the integrity, professionalism and commitment of the New York Library Community.*

A network of library professionals, directors, trustees and association leaders, along with our colleagues at the New York State Library, continuously strive to provide the best possible library service to the people of New York and inspire us to ensure there is clear, accurate and concise support for the 6,000 New Yorkers who serve their communities as library trustees each year.

We thank our collaborators from all corners of the state for sharing their knowledge and experience, and for relentlessly challenging us to improve this Handbook so that every library trustee may have the support they need to help New York's public libraries thrive.

Printed by the
Suffolk Cooperative Library System
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Looking for an Index?

Use the online version of the handbook, available through the New York State Library's website: <http://www.nysl.nysed.gov/libdev/trustees/handbook/index.html>. Simply use the "CTRL F" function on your computer keyboard to find what you are looking for.



Dear Library Trustee,

Sometimes, just starting something can be the most difficult step. When it comes to writing this letter, the first step comes naturally . . . Thank You! Thank you for answering the call to become a library trustee. Thank you for your service, time, ambition, dedication and commitment to excellence. Thank you for all of your efforts to make New York State libraries models for our nation. Your hard work and efforts do not go unnoticed, and are greatly appreciated.

Libraries are ever evolving, and they are used more than ever. They are information portals, educational institutions, modern day community centers, and a keystone in our democracy. How will you help your library not only survive, but thrive? Can you envision what your library will look like 20 years from now?

As you know, in partnership with your director, you have an extremely important role to play in the success and long-term growth of your library -- and the realization of that can be daunting. The fact that you are reading this letter and this handbook shows that you have found an excellent starting point and have taken your first step in the right direction.

This handbook provides you with a solid foundation from which you can continue to grow and learn. Becoming well versed with its information will make your job as a library steward much easier. Whether you are a brand-new trustee or have served on a board for 20 years, the updated edition of this handbook is an essential read.

When you do need additional information – you are never alone. In fact, as a trustee in the library community you could not be in better hands. For answers, guidance, tools and resources, you can reach out to your library director, your library system, the Division of Library Development (DLD), and library organizations including the Library Trustees Association of New York State (LTA).

LTA was chartered by the New York State Board of Regents in 1949 and is the state organization for library trustees. LTA is the voice of library trustees in New York State, and its mission is to connect trustees through advocacy, education and recognition.

LTA provides vast amounts of information and resources for new and experienced trustees alike. We keep trustees informed through our newsletters, emails, and our frequently updated website, while also providing many tools to help trustees succeed. LTA's library policy database contains over 3500 real library policies which have been shared by your peers. The database is continually updated, and it can be searched by multiple criteria. (www.librarytrustees.org/policies.php)

We help keep trustees informed about innovative library programs, continuing education opportunities, and library legislation. LTA educates trustees through our annual Institute, regional presentations, and webinars; and we help build trustee leadership skills so that trustees can help inspire and energize their colleagues to be more effective in their roles. We recognize and reward trustees who are actively engaged in their own continuing education and who stand out as making a difference in the development of their library.

By sharing the successes and struggles of trustees, LTA helps connect trustees from different parts of the state and provides an opportunity for trustees to learn from their peers. LTA continues to grow and expand services and becomes more effective as more trustees connect with one another.

Likewise, LTA is more effective when, as an organization, it connects with the rest of the library community. LTA prides itself on working in close partnership with your library systems, the Division of Library Development (DLD), NYLA (the leading organization for library professionals), the Empire State Library Network (ESLN), school library systems, and other library organizations -- and we encourage individual trustees to do the same.

With collaboration and partnership, we will work together to help each other reach our goals. When LTA works in tandem with other organizations there is greater strength, and trustees and the library community as a whole will speak with a more united and resonating voice.

Sincerely,

Adria Ripka, President;
and the Library Trustees Association's Board of Directors

For more information about LTA, please visit: www.librarytrustees.org

PREFACE

Libraries provide the “currency” for today’s information economy. In cities and towns, rural, suburban and urban, throughout New York, libraries are equipping people with the tools necessary for life success. With skilled and knowledgeable library staff, a wide array of online resources, traditional print collections, exciting program offerings, and inviting and welcoming public spaces, libraries are experiencing unprecedented increases in public use.

New York’s 756 public libraries are community gateways to the world’s information resources. Whether in pursuit of an entertaining escape from today’s complexities or a timely solution to a difficult business question or help with a school research project, New Yorkers use their local libraries to advance and enhance their personal, educational, and work lives. As essential community resources for lifelong learning, public libraries are indispensable parts of this state’s economic, cultural, educational and social infrastructure.

Library trustees play a special, keenly important role in shepherding the dedicated and prudent use of library resources. Always striving to provide the best service which benefits and supports the entire community, trustees must make policy, personnel and fiscal decisions crucial to a positive direction for the library. While delegating the day-to-day activities to competent staff, the library trustees must always be mindful of how their decisions impact the lives of people and the future of their community. As public officers, library trustees carry an essential and vital set of fiduciary and legal responsibilities.

Library trustees are responsible to the library and to the public it serves. Trustees must fulfill the duties commonly referred to as “care, loyalty, and obedience” and must be tireless advocates for improving library services. Forward-looking, informed trustees are needed to guide their libraries. Reinforcing the traditional services of libraries and welcoming the new, expanded opportunities of broadband Internet access, makerspaces and other technologies, trustees must position their libraries as essential and vital resources for individual and community success.

This new edition of the *Handbook for Library Trustees in New York State* provides advice, guidance and practical information to help trustees succeed in their important stewardship and governance roles. As the New York State Library's Coordinator of Statewide Library Services and Director of the Division of Library Development, I am pleased to congratulate and to thank the public library systems and the Library Trustees Association of New York State (LTA) for the publication (in print and online) of this new edition. I encourage every trustee to refer frequently to this useful tool as you undertake the exciting challenges and responsibilities of delivering high-quality public services to your communities.

Carol A. Desch

*Coordinator of Statewide Library Services and
Director of the Division of Library Development
New York State Library
Office of Cultural Education
New York State Education Department*

INTRODUCTION

Welcome to the 2018 revision of the *Handbook*. Most notable in this revision is our attempt to provide clarity on the questions surrounding the Library Treasurer and Library District Clerk positions; as well as further commentary on procurement policies and the “claims audit” procedure. In addition, you will find new information about the position of the Library Director as an “Officer of the Corporation” and the suggestion that the Library Director take the Oath of Office, just as public library trustees do. You will also find additional clarification on quorums and voting for association library boards. In addition to some minor edits, links are cited to several brand-new webinars that will help you do your job as a trustee. The State Library routinely adds new on-demand webinars that you can watch at your convenience so be sure to check their web site for new additions to their menu of options. (www.nysl.nysed.gov/libdev/webinars/index.html). As always, we invite your continued questions and comments!

The purpose of this *Handbook* is to assist both the new and experienced public library trustee in New York State to better understand their job and to present the basic information they need to provide quality library service to their community. It offers advice on the philosophy of governing a library and on the practical aspects of responsible trusteeship. The information provided is based on the laws and regulations governing public libraries in our state and on the proven “best practices” in the field. As always, you should consult your attorney, accountant, insurance and other professional advisors regarding specific matters within their area of expertise.

This is but an introduction to the many aspects of trusteeship and should be considered simply as one of the many resources necessary to do the job well. Be advised that it should not be considered as final authority on any legal or financial aspects of library administration. Library Boards should consult with their attorney or financial advisor on any legal or fiscal issue before them. Commentary on library law is based on actual law or established opinion by State agencies.

The printed version of the *Handbook* is intended to be kept in a binder or folder along with other important documents such as the Library’s Bylaws, Policy Manual, and Long-Range Plan, so that updated information can be added as needed.

The online version (www.nysl.nysed.gov/libdev/trustees/handbook/index.html) includes live web links and is searchable using the (CTRL F) function on your keyboard. It is an important companion to this Handbook.

All trustees should be aware that the New York State Library provides information on a range of topics on their website (www.nysl.nysed.gov/). The New York State Library Division of Library Development website deals specifically with public library issues (www.nysl.nysed.gov/libdev/). This site includes links to a number of informative webinars specifically designed for the public library trustee: (www.nysl.nysed.gov/libdev/webinars/index.html).

The Library Trustees Association of New York State (LTA) (LibraryTrustees.org) and the Mid-Hudson Library System (<http://midhudson.org/topics/trustees>), both provide excellent and continually evolving resources for trustee education. Your regional public library system's website (www.nysl.nysed.gov/libdev/libs/publibs/1pls.htm) will also provide you with critical information that will help you do your job.

The effective trustee must be well versed in good governance practices that will enable them to meet the challenges presented by a rapidly changing political, social and cultural environment. Public libraries in our state are faced with an increasingly complex regulatory environment, contradictory laws and regulations, new technologies and emerging competitors for the library's customers. At the same time they have never been more vital to the well-being of our society. It is indeed an exciting time to be a library trustee.

Many individuals and organizations across New York State share the goal of improving and extending library service; but individual trustees, acting as part of a library board of trustees in partnership with the Library Director, ultimately bear the responsibility for achieving that goal. This manual is intended to provide an introduction to the practical and philosophical information that trustees will need to augment the common sense and good judgment they exercise in the course of their service.

THE LIBRARY NETWORK IN NEW YORK STATE

Libraries and library trustees in New York State are supported by one of the most extensive and comprehensive library networks in the country. This network is both institutional and digital.

Each public library is chartered by the Board of Regents of the University of the State of New York, one part of the vast statewide educational system. The Regents' responsibilities include oversight of all educational and cultural institutions, including more than 750 public libraries, over \$1.3 billion in public library operating funds and over 6,000 public library trustees.

The Regents appoint the Commissioner of Education, who is the chief executive officer of the State Education Department. Among the major offices of the Education Department is the Office of Cultural Education, comprised of the State Archives, State Library, State Museum and the Office of Educational Television and Public Broadcasting. The Assistant Commissioner for Libraries, also known as the State Librarian, is responsible for the activities of the New York State Library, which includes the Research Library, the Division of Library Development (DLD) and the Talking Books and Braille Library. The Division of Library Development coordinates and administers federal and state aid programs as well as the rules and regulations that govern public libraries and library systems. The Division of Library Development also helps to develop new statewide programs of library service and provides guidance on charter changes and other matters that must be referred to the Board of Regents.

Nearer to the local library, and its first source of assistance and resources, is the public library system. Virtually all of the public libraries in the state belong to one of the twenty-three public library systems. There are three types of public library systems: consolidated, federated and cooperative. Each has a different legal structure and relationship with its members or, in the case of consolidated systems, its branches. A comparison of the types of public library systems is available on the State Library's website (www.nysl.nysed.gov/libdev/libs/libtypes.htm).

Each public library system develops its own plan of service, reflecting the needs of the libraries in the area the system serves. Local governance and control allows library systems to offer programs and services that vary greatly from one region to another. Nevertheless, all public library systems share the same common purpose and responsibility for the development and improvement of their member libraries while saving local tax dollars. The systems are also responsible for providing library service in those areas without public libraries and coordinating resource sharing among member libraries. Each system is also required to designate a central library or co-central libraries whose purpose is to offer resources in greater numbers and depth than usually found in local libraries.

Public library system services may include the following:

- Interlibrary loan and delivery of materials;
- Administration of computer networks and an integrated library automation platform (ILP), including circulation, online public catalogs (OPACs), acquisitions and other sophisticated software modules;
- Cooperative purchase and support of electronic databases, Internet access and telecommunications services;
- Continuing education seminars, workshops and training for library staff and trustees;
- Consultation on library administration, governance, funding, programs and services;
- Specialized support for Young Adult and Children's Services;
- Centralized purchasing, ordering and processing of library materials;
- Assistance in materials selection and collection development;
- Materials cataloging services and advice;
- Coordinated collection development support;
- Public awareness and advocacy leadership;
- Web page design and maintenance; printing and other duplication services;
- Service to correctional facilities, nursing homes, and other institutions;
- Outreach services to special populations and consultation on accessibility issues;
- Assistance in, and administration of, state and federal grant programs;

- Services to unchartered areas including contract library services, bookmobiles or other extension services.

New York State also supports two other types of library systems that work with the public library systems to broaden the resources available to all residents of the state. Reference and research library resources systems (3Rs councils) were established to enhance resource sharing and to meet specialized reference needs. The 3Rs councils serve primarily as the systems for academic and special libraries but their membership also includes library systems, hospital libraries, and specialized libraries of all types. The state is also served by forty-one school library systems sponsored by the BOCES and Big Five City Schools. The school library systems provide support services, professional development, consultation, and assistance to both public and non-public school libraries. For more information: www.nysl.nysed.gov/libdev/libtypes.htm.

The statewide library network works to ensure access to library resources for all New Yorkers. All public library systems and the State Library offer an incredible range of research and learning databases and locally developed digital resources online. Networking the State Library, library systems and New York's local libraries offers access to library and information resources within the state and worldwide.

Library trustees also have several statewide and national associations available to help them fulfill their mission. Membership and active participation in these organizations not only provides assistance on the local level, but also adds significantly to the collective strength and wisdom of library trustees throughout the State and the nation.

The Library Trustees Association of New York State (LTA) is an important source of support and information for local libraries. LTA is the state organization for library trustees, offering a range of valuable services. It advocates on behalf of library interests, recognizes the accomplishments of trustees and educates trustees through workshops, the Annual Trustee Institute, regional presentations, print and electronic resources and via the LTA website: LibraryTrustees.org.

The New York Library Association (NYLA) is the statewide organization of library professionals, support staff and advocates. It is dedicated to advancing the interests of all types of libraries and library service in New York State. By representing the library community before the State Legislature, it provides important planning and support in the development of library-related legislation and offers extensive continuing education opportunities through its annual conference and other programs. Find NYLA online at NYLA.org.

Your library should have a budget line devoted to organizational memberships. Each library benefits from the advocacy and professional development work done by these groups.

Since many issues affecting libraries originate on the federal level library trustees should be familiar with the American Library Association (ALA.org) and its United for Libraries Division (ALA.org/united). Both organizations work diligently to inform and support libraries, their trustees and their advocates on a national level.

Each public library is part of this national and statewide library community. An informed trustee is familiar with the members and components of this community and uses the information and opportunities available to improve the programs and services of their local library.

Resources:

- American Library Association (ALA) ALA.org
 - United for Libraries (a division of ALA) ALA.org/united
- Library Trustees Association of New York State (LTA) LibraryTrustees.org
- New York Library Association (NYLA) NYLA.org
- Types of Library Systems: A Comparison [New York State Library] <http://www.nysl.nysed.gov/libdev/libs/libtypes.htm>
- Webinar: Library Origin, Oversight and Organization in New York State (Helping All Trustees Succeed Mini-Webinar) <http://www.nysl.nysed.gov/libdev/trustees/webinars.htm>

LIBRARY LAWS AND REGULATIONS

As New York State Education Corporations libraries are subject to a wide range of federal, state and local laws, rules and regulations. While trustees cannot be expected to understand all the details of every pertinent law, they should be familiar enough with the major legal issues to be assured that their library is always in compliance. Boards are strongly advised to solicit the assistance of their public library system and seek the advice of legal counsel well versed in education and municipal law. It is important however, for every trustee to understand the legal foundation of their library and the extent and limitations of the board of trustees' authority.

Public libraries in New York State receive a charter from the Board of Regents of the University of the State of New York and are registered with the Education Department. The charter gives the library a corporate existence. The basic powers and duties of all library boards of trustees are defined in Education Law § 226. This law provides fundamental rules of conduct for the Board and details important powers such as the right to hold and control property and hire staff. A library's "registration" demonstrates compliance with Education Department Regulations Title 8 New York Codes, Rules and Regulations (NYCRR) § 90.2 (Minimum Standards). A library must maintain its registration to receive local and state public funding.

Other pertinent New York State Education Laws and Regulations include:

Education Law:

- § 2 16 - Charters and incorporation
- § 226 - Powers of trustees of institutions
- § 253 - Definition of a public library
- § 254 - Standards of library service
- § 255 - Establishment of a library
- § 256 - Library service contracts (with unchartered areas)
- § 259 - Library taxes and funding
- § 260 - Powers of Trustees; School District Public Library authority
- § 260- a – Meetings of Boards of Trustees (Open Meetings Law)
- § 272 - Library Systems
- § 273 - Apportionment of State Aid

Commissioner's Regulations:

- § 11.4 - Annual Reports
- § 90.2 - Minimum Standards
- § 90.3 - Public Library Systems
- § 90.4 - Central Libraries
- § 90.7 - Certification of Public Librarians
- § 90.8 - Personnel
- § 90.9 - Library Services Aid
- § 90.12 - State Aid for Library Construction

All public and association libraries are subject to various parts of the Education Law, Labor Law, Public Officers Law and the Not-for-Profit Corporation Law (including select portions of the Non-Profit Revitalization Act), as well as numerous other New York State laws governing the conduct of corporations, both public and private; a compelling reason for the Library to retain knowledgeable legal counsel.

Public libraries, those considered to be municipal, school district or special legislative district libraries, are also subject to several additional laws, regulations and policies designed to protect the public interest. Most notable of these include:

- Civil Service Law (Job titles, examinations, due process)
- General Municipal Law (Bidding and Procurement; Conflicts of Interest)
- Labor Law (Hour & Wage, Safety and “Wicks Law”)
- Public Officers Law (Indemnification, Open Meetings, Oath of Office & FOIL)
- NY State Comptroller’s Policies and Procedures (Accounting standards, investments, etc.)

An excellent (though now a bit dated) compilation of the laws, regulations and pertinent legal opinions affecting the public libraries in New York State is available at: http://nyla.org/images/nyla/files/Public_Library_Law.pdf

The New York State Library provides an up-to-date summary of excerpts from New York State Law and Regulations of the Commissioner of Education pertaining to libraries, library systems, trustees and librarians at: <http://www.nysl.nysed.gov/libdev/excerpts/index.html>.

Legal Structure

There are four types of public libraries in New York State: association, municipal, school district, and special legislative district. Trustees and community leaders are quite often confused about the legal structure of their community library and the laws that govern them. Considering the fact that each of these library types has several variations, it is critical for all associated with the governance of the library to clearly understand their particular configuration. For a detailed comparison chart see: <http://www.nysl.nysed.gov/libdev/libs/pltypes.htm>

An **association library** is a private corporation established by the members of the association. It contracts with a unit of local government to provide library service to the residents of that jurisdiction. In legal terms, this contract may be written, oral or implied; but it always exists. Though association libraries are private not-for-profit education corporations and not subject to some of the laws and restrictions of true public libraries, they are generally supported by public funds and must always keep transparency and accountability in mind as they make decisions. In addition to Education Law such libraries are subject to some aspects of the New York State Not-for-Profit Corporation Law.

A **municipal library** is formed either by a vote of the governing body of a municipality (village, town, city, or county) or by a public referendum to serve the residents of the municipality. The library is an independent corporate entity and not dependent upon the municipal government. However, the board of trustees is appointed by the municipality, which is responsible for the appropriate funding of the library. The library is subject to all the laws applicable to public institutions in the state.

A **school district public library** is organized to serve the residents who live within the boundaries of a given school district (hence the name). Typically the library board is elected by the district residents. The library and the library board are independent of the school district and the school board. However, the school district is responsible for the collection of taxes and for the issuance of municipal bonds for construction on the library's behalf.

The separation of powers between local boards of education and school district library boards is detailed in Education Law § 260 (7)-(11).

A **special legislative district library** is created by a special act of the State Legislature and a local public vote to serve all or part of one or more municipalities or districts as defined by its enabling legislation. Each of these libraries is somewhat unique but all are considered “public” insofar as adherence to state law.

Tax exempt status: Every association library should obtain federal tax-exempt status under Section 501(c) (3) of the Internal Revenue Code. This exemption allows the library to avoid federal tax liability and also to be eligible to receive tax-deductible gifts. A library that has such an exemption is required to file Form 990 annually with the Internal Revenue Service. (<http://www.irs.gov/Charities-&-Non-Profits/Charitable-Organizations>).

The Form 990 functions in place of a federal income tax return for the exempt organization, and there are large financial penalties for late filing or failure to file. Failure to file three years in a row will result in the revocation of the library’s 501(c) (3) status. Federal law requires that the library's completed Form 990 must be on file at the library and available for public inspection upon request. In addition to the federal tax exemption, each library should also obtain a state sales tax exemption certificate.

Public libraries (municipal, school district and special legislative district) are, by definition, a government entity under IRS code, and therefore tax exempt and not 501(c) (3) corporations. However, public libraries may receive a confirmation of tax exempt status from the Internal Revenue Service to use with grant makers and businesses. (<https://www.irs.gov/government-entities/federal-state-local-governments/governmental-information-letter>)

Transparency: As noted in the chapter on **Board Organization**, each library board is required by the Open Meetings Law and Education Law §260a to conduct its business in public with only a few very limited exceptions. All municipal, school district and special legislative district libraries must also conform to the requirements of the Freedom of Information Law (FOIL) (<http://www.dos.ny.gov/coog/index.html>).

Although association libraries do not fall under the provisions of this law, they are wise to consider such a policy since they are generally supported by public funds and are often subject to public scrutiny. **Your community expects transparency.**

Every library board is also required to approve and file an annual *State Report* with the New York State Library detailing library activities and finances. Compliance with the state established minimum standards is also reviewed in this annual report. Failure to file such a report in a timely fashion can lead to the loss of state and local funding and ultimately to the closure of the library.

The Board of Regents has the statutory authority and responsibility to establish minimum standards of service for libraries in New York State (Education Law 254). By Education Department Regulations (8 NYCRR) § 90.2, the Commissioner of Education has established minimum standards for public and association libraries. The Board of Regents adopted amendments that update the minimum standards in July 2018. All public and association libraries are required to comply with the updated standards by January 1, 2021.

All these standards must be addressed in the context of the library's long range plan of service.

All public and association libraries are required to have and to share online with their communities:

1. Written bylaws of the board of trustees; reviewed and re-approved at least every five years. ** Also see standard 11.*
2. A community-based, board-approved, written long range plan of service developed by the board and staff. ** Also see standard 11.*
3. A board-approved written annual report to the community on the library's progress in meeting its mission, goals and objectives. ** Also see standard 11.*
4. Written policies for the operation of the library, reviewed at least every five years. ** Also see standard 11.*
5. An annual, board-approved budget designed to address community needs as defined in the long range plan. ** Also see standard 11.*

In addition, each public and association library is also required to:

6. Periodically evaluate the effectiveness of the library's programs, services and collections;
7. Maintain hours of service according to a schedule based on population served: <http://www.nysl.nysed.gov/libdev/helpful.htm#HO>.
8. Maintain a facility which meets community needs, as outlined in the library's long range plan; including adequate space, lighting, shelving, power and data infrastructure, and a public restroom.
9. Provide programming to address community needs.
10. Provide a circulation system that facilitates access to the local library collection and other library catalogs as well as providing equipment, technology, and internet connectivity to address community needs and facilitate access to information.
11. Provide access to current library information in print and online to facilitate the community's understanding of library services, operations and governance. *Information provided online shall include items 1-5.*
12. Employ a paid director with qualifications based on population served. The minimum education qualifications for library director as established in Commissioner's Regulation § 90.8 are as follows:

Chartered Population	Education Qualification
2,500 - 4,999	Two years of college study
5,000 - 7,499	Bachelor's degree
7,500+	Master's degree in Library Science (MLS) and NYS public librarian's professional certificate

13. Provide library staff with annual technology training appropriate to their position, in order to address community needs.
14. Establish and maintain partnerships with educational, cultural or community organizations which will enable the library to address the community's needs; as outlined in the library's long-range plan of service.

A library in New York State must meet these Minimum Standards in order to be registered to receive public funds. The library board is ultimately responsible for ensuring these minimum standards are met. It should be noted that many of these standards are based on a board's analysis of community needs. For advice on how to assess community needs please see the Planning & Evaluation Chapter.

A practical explanation of these standards is available at:

www.nysl.nysed.gov/libdev/helpful.htm

In addition, NYS General Municipal Law § 30 requires each public library to file an annual report of financial transactions with the Office of the State Comptroller (OSC).

Resources:

- *Webinar: Basic Library Law for Trustees:* <https://vimeo.com/133457168>
- Committee on Open Government [NYS Department of State]
<http://www.dos.ny.gov/coog/index.html>
- Education Law and Rules of the Board of Regents Relating to Education Corporations [NYS Education Department] <http://www.counsel.nysed.gov/pamphlet9/>
- Excerpts from New York State Law and Regulation of the Commissioner of Education pertaining to Libraries, Library Systems, Trustees and Librarians [New York State Library] <http://www.nysl.nysed.gov/libdev/excerpts/index.html>
- Helpful Information for Meeting Minimum Public Library Standards [New York State Library] <http://www.nysl.nysed.gov/libdev/helpful.htm>
- New Library Laws [New York State Library]
<http://www.nysl.nysed.gov/libdev/fundlaw2.htm>
- The Non-Profit Revitalization Act (2013) and New York State Libraries and Library Systems [New York State Library] <http://www.nysl.nysed.gov/libdev/trustees/coi-wb.htm>
- Public Library Law in New York State by Robert Allan Carter
http://www.nyla.org/images/nyla/files/Public_Library_Law.pdf

- Tax Exempt Status [New York State Library]
<http://www.nysl.nysed.gov/libdev/libs/pldtools/guide/1taxxmpt.htm>
- Tax Information for Charitable Organizations [IRS] <http://www.irs.gov/Charities-&-Non-Profits/Charitable-Organizations>
- Types of Public Libraries: A Comparison [New York State Library]
<http://www.nysl.nysed.gov/libdev/libs/pltypes.htm>

Related Documents and Policies:

- Annual Report to the Community
- Library Charter/Enabling Legislation
- Long Range/Strategic Plan
- Public Access to Records (FOIL) Policy

TRUSTEE DUTIES AND RESPONSIBILITIES

“Trustee/board members owe allegiance to the institution and must act in good faith with the best interest of the institution in mind. The conduct of a trustee/board member must, at all times, further the institution's goals...”

Statement on the Governance Role of a Trustee or Board Member, New York State Board of Regents

A trustee is a person to whom property is legally committed in trust. A library trustee's commitment is to both the physical property and resources of the library and the services it provides. The library board has the final responsibility to see that its library provides the best possible service to its community.

The New York State Board of Regents, the institution responsible for the chartering and oversight of education corporations in New York, describes the duties of trustees as those of *“Care, Loyalty and Obedience.”* All actions must be taken with these principles in mind.

Duty of Care

A trustee or board member must act in good faith and exercise the degree of diligence, care and skill that an ordinary prudent individual would use under similar circumstances in a like position.

Duty of Loyalty/Conflicts of Interest

Trustees/board members owe allegiance to the institution and must act in good faith with the best interest of the organization in mind. The conduct of a trustee/board member must, at all times, further the institution's goals and not the member's personal or business interests...A trustee/board member should avoid even the appearance of impropriety.... Acts of self-dealing constitute a breach of fiduciary responsibility that could result in personal liability and removal from the board.

Duty of Obedience

A trustee/board member has a responsibility to insure that the institution's resources are dedicated to the fulfillment of its mission. The member also has a duty to ensure that the institution complies with all applicable laws and does not engage in any unauthorized activities.

In addition, the Regents charge the Trustee to “*ensure that financial resources are being used efficiently and effectively toward meeting the institution's goals*”; and to “*hire a CEO to manage the operation of the institution and evaluate his/her overall performance*”.

(All excerpts from: Statement on the Governance Role of a Trustee or Board Member; New York State Board of Regents, http://regents.nysed.gov/about/statement_governance)

The responsibilities of trustees are few in number but broad in scope. They are:

- Create and develop the mission of the library;
- Regularly plan and evaluate the library's service program based on community needs;
- Select, hire and regularly evaluate a qualified library director;
- Secure adequate funding for the library's service program;
- Exercise fiduciary responsibility for the use of public and private funds;
- Adopt policies and rules regarding library governance and use;
- Maintain a facility that meets the library's and community's needs;
- Promote the library in the local community and in society in general;
- Conduct the business of the library in an open and ethical manner in compliance with all applicable laws and regulations and with respect for the institution, staff and public.

Every trustee makes a personal commitment to contribute the time and energy to faithfully carry out these duties. Although the board is legally responsible for all aspects of the library as an institution, it is unreasonable to expect a trustee or the whole board to be an expert on every activity or concern that affects the library. Sometimes the most important thing a board can do is acknowledge that it does not have enough information or resources, and to ask for help.

A trustee must make decisions based on the best information available. It is often wise to consult with your public library system staff or specialists such as lawyers, accountants, architects, insurance professionals, IT professionals and other knowledgeable experts.

Under New York State law, library boards have broad and almost exclusive powers and authority to administer the library. The board should not only be concerned with the internal operations of the organization but also alert to external trends and changes that can affect the library's program of services. Being proactive and open to change is imperative in order to survive and thrive in a world in which change is the only constant.

Checklist for Effective Library Trustees:

- ✓ Be active and informed about library matters in general and of those affecting your library. Ask questions of the director and study the issues.
- ✓ Attend all board meetings and be prepared to participate knowledgeably.
- ✓ Question issues until you understand. Don't be reluctant to vote "No" on a proposal you don't understand or are uncomfortable about.
- ✓ Be a team player and treat your fellow board members with respect.
- ✓ Support board decisions even if you disagree. A democracy works by the rule of the majority. Seek reconsideration in the future if circumstances change.
- ✓ Understand the roles of all involved - the board, director, staff, Friends, and patrons. Respect all opinions; whether you agree or not.
- ✓ Conflicts of interest by any board member are the concern of all members of the board. A trustee or family member may not receive, *or appear to receive*, any gain, tangible or intangible, in dealing with the library.

Remember, as far as the public is concerned, even the appearance of a potential conflict involving a Board member undermines their trust in the entire library as a valued and cherished community institution.

- ✓ Advocate for the library in every manner possible.
- ✓ Support competitive salaries in order to attract and retain qualified staff. Appropriate compensation is a direct measure of the commitment and respect a community has for the institution and its staff.
- ✓ Annually evaluate the board, individually and as a whole. This process has proven to be an effective means to improve intra-board communication and bring focus to the tasks at hand.
- ✓ Understand and respect the role of the director as Chief Executive Officer (CEO) of the library corporation and support the director's administrative decisions.
- ✓ **Lastly, it's about the Library, not about you. Always remember that your primary job is to provide the highest quality library service possible for your community, not the cheapest.**

Resources:

- NYS Board of Regents: Statement on the Governance Role of a Trustee or Board Member http://www.regents.nysed.gov/about/statement_governance
- NYS Office of the Attorney General: Right From the Start: Responsibilities of Directors of Not-For-Profit Corporations <https://www.charitiesnys.com/pdfs/Right-From-the-Start.pdf>

ORIENTATION OF NEW TRUSTEES

A successful trustee begins with a thorough understanding of libraries and the laws that govern them. A formal orientation with the library director and the Board President is the best way to learn about your organization. This should include a discussion of the library's mission and goals, its role in the community and a review of the critical issues facing the organization. A good orientation will provide trustees with the information they need to carry out their responsibilities effectively and will generate a spirit of ongoing curiosity about the library and its role in the community.

Responsibility for planning and conducting the new trustee orientation is shared among the Board President, other board members and the library director. The specifics will vary depending upon the style of the board and the size and type of library. Regardless, it is essential to have a formal orientation for all new trustees as soon as possible.

All new trustees should receive a tour of the library, an opportunity to meet the staff, and an orientation to the library's website and online resources. It is considered a best practice to provide every library trustee with a specific library e-mail account in order to clearly distinguish library related e-mail correspondence from personal e-mail. Remember, for libraries subject to the Freedom of Information Law (FOIL), e-mails related to library business may be subject to public scrutiny.

In the orientation process, the library director and Board President can provide information on:

- Mission, goals, long-range plans and projects in progress;
- How the library is organized and governed;
- Responsibilities and expectations of trustees; including oaths of office, ethics, conflict of interest and nepotism policies.
- Funding sources and how the budget is created and managed;
- Ways the library serves the needs of the community and how it is linked to other organizations and resources;
- Recent accomplishments and challenges;
- Board relationships with the director, staff and volunteers;
- Day-to-day operations.

Every trustee should receive a thorough orientation and packet of essential documents to keep in a notebook of library related materials. It is wise to become familiar with these items before you fully participate in board decisions.

The following information is typically provided in print or on a trustee area of the library's website:

- A brief history of the library;
- Copies of the library's charter documents;
- A map of the library's service area;
- Bylaws of the board of trustees;
- Board membership and contact information;
- Board committee memberships;
- Schedule of board meeting dates;
- Minutes of recent board meetings;
- Information on Open Meetings Law;
- Library policy manuals;
- Long range or strategic plans and master facility plan;
- Current operating budget;
- Recent monthly financial reports and statistics;
- Results of the most current community survey about the library;
- Union contract (if applicable);
- Employee Handbook;
- Staff List & Organization Chart;
- Previous annual audit(s);
- Library service contracts and other key documents pertaining to the library;
- An explanation of the library's public library system, including the services they provide to the library;
- Library newsletters, brochures and annual reports to the community;
- Information on the Friends of the Library (if applicable);
- Handbook for Library Trustees of New York State*;
- Board of Regents *Statement on the Governance Role of a Trustee or Board Member*: http://www.regents.nysed.gov/about/statement_governance;

- Resume or brief biography of the library director;
- Upcoming continuing education and networking opportunities through the local library system, State Library, LTA and NYLA;
- List of local, county, state and federal legislators that represent the library's service area; and
- Compliance calendar that indicates due dates of major reports and events for the organization.

All trustees should keep this notebook up to date by adding to it such documents as minutes and reports that are distributed at board meetings.

Resources:

- *Webinar*: What Every Trustee Should Know: <https://vimeo.com/134973499>

LIBRARY BOARD ORGANIZATION

Public libraries are required by the Regulations of Commissioner of Education of New York State (Education Department Regulations [8 NYCRR] § 90.2) to operate under written bylaws. Bylaws are "the set of rules adopted by an organization defining its structure and governing its functions." (Sturgis, *The Standard Handbook of Parliamentary Procedure; third edition, new and revised*, p. 257).

Bylaws may not conflict with federal or state law and regulations; nor the library's charter. Such law and regulation is the highest authority governing the library's affairs.

A board will probably find it appropriate to tailor its bylaws to local needs and situations. The bylaws should be reviewed periodically and amended when necessary to maintain flexibility and relevance. Nonetheless, bylaws must conform to the library's charter of incorporation and, if applicable, enabling legislation.

All bylaws should must be updated every five years and posted on the library's website. They should include the following provisions:

- Name of Organization, purpose, objectives and area served;
- Board terms and composition;
- Procedure for election, appointment and removal of trustees;
- Procedure for filling an unexpired term;
- Duties and powers of board officers;
- Schedule of meetings;
- Procedure for special meetings;
- Attendance requirements;
- Quorum and voting requirements;
- Summary of the director's duties;
- Standing and special committees;
- Order of business for board meetings;
- Parliamentary authority (such as Robert's Rules of Order);
- Procedure for amendment of the bylaws.

Oath of Office

Trustees and officers, including the Library Treasurer and Library District Clerk, of municipal, school district, and special legislative district public libraries, and trustees of cooperative and federated library systems are required to file the oath of office specified in the New York State Constitution. It is now recommended that library directors take the oath as well:

“I do solemnly swear (or affirm) that I will support the Constitution of the United States, and the constitution of the State of New York, and that I will faithfully discharge the duties of the office of trustee of the _____Library, according to the best of my ability.”

The oath may be given by any officer of the court (judge, attorney, notary public), or the library's board president or district clerk if they have taken an oath of office, and must be filed in the local county clerk's office (or with the town clerk for town library trustees). For a trustee, treasurer or district clerk, failure to do so within 30 days of commencing their term of office will vacate the position. (<http://www.nysl.nysed.gov/libdev/trustees/oath.htm>)

For libraries with an appointed or elected board it is good practice for the board to request a formal letter or certificate of appointment or election for each new trustee from the body that made the appointment or conducted the election.

Library Directors & the Oath of Office:

Though in the past Library Directors have not generally taken the oath, the Commissioner of Education, in a decision related to a similar practice for School Superintendents <http://www.counsel.nysed.gov/Decisions/volume39/d14185> stated “...it is sound public policy to treat school superintendents as public officers with respect to oaths of office.” Given that libraries are part of the education infrastructure and fall under the auspices of the Commissioner of Education, we would consider it as a “best practice” to do likewise for the Director as Chief Executive Officer of a public library. Taking the Oath is yet another examples of how libraries can demonstrate a commitment to accountability and transparency.

Collective Authority

Under New York State law, a library board has broad authority to manage the affairs of the library, but it is a collective authority. Individual trustees, regardless of their position on the board, do not have the power to command the services of a library staff member, nor to speak or act on behalf of the library, unless they have been specifically granted that authority by a vote of the board.

An important corollary to this concept of collective authority is the need for the board to speak with one voice once a decision has been made. Debate, discussion, and even disagreement over an issue are an important part of policy development and the decision making process. However, every trustee has an ethical obligation to publicly support an adopted board decision.

The First Amendment protects the rights of a trustee who disagrees so strongly with a board decision that he or she must speak out publicly against it. However, in such instances the individual must make it clear to all concerned that they do not represent the library and, indeed, may wish to seriously consider resigning from the board if such action interferes with their ability to effectively fulfill their responsibilities as a trustee.

Duties of Officers

The library's bylaws define the duties of the board officers, typically the President, Vice-President, Secretary and Treasurer/Finance Officer. Such officers are elected annually by the Board at an annual reorganization meeting and serve for a period of one year.

The **President** presides at all meetings of the Board, and is responsible for the proper conduct and effectiveness of such meetings. They authorize the call for any special meetings, appoints committees members, execute all documents authorized by the Board and generally perform all duties associated with that office. The Board President also serves as the primary liaison between the board and the director.

The **Vice President** assumes the duties of the President in their absence.

The **Secretary** is responsible for an accurate and timely record of all meetings of the Board, issues notice of all meetings, and performs other duties associated with that office.

The office of **Treasurer** varies greatly, depending upon the library's legal structure. **School district and many special legislative district libraries** must appoint (hire) an independent Treasurer who is not a member of the Board. Under the provisions of Education Law § 259 (1) (a) this independent officer reports to the board and is responsible for the receipt and disbursement of tax monies after Board approval.

Special legislative district libraries should refer to their enabling legislation for clarification. In the case of school district libraries, the school district treasurer is required to act in this capacity unless the library board appoints its own Treasurer. **Municipal libraries** that exercise their right under Education Law § 259 (1) (a) to request their tax appropriations be paid over to the library are strongly advised to appoint an independent Treasurer. In the case of municipal libraries where tax funds are held, and invoices are paid by the municipality, the Treasurer of the municipality serves in this capacity.

The State Comptroller has repeatedly opined that the doctrine of “incompatibility of office” applies to school district, municipal and special legislative district libraries (according to their enabling legislation). This is often applied to the appointment of a board member to the office of Treasurer. In such cases it is considered a best practice to appoint (hire) an independent Treasurer and appoint a trustee as the board's “Finance Officer” who would oversee the regular audit of claims, chair the board budget committee and otherwise serve in such a capacity. (Also see: *The Role of the Public Library Treasurer*; Appendix page 95.)

Many libraries, either by choice (School District Public Libraries) or legislation (Special District Public Libraries) appoint a **Library District Clerk**. The primary duty of the district clerk is to oversee the annual trustee and budget vote. Many district clerks also perform “secretarial” duties at Board meetings; taking minutes which they submit to the Board Secretary for review and submission to the Board.

This position is often filled by a library employee but is considered a separate appointment, answerable to the Board, with a stipend in addition to any other duties. As an “officer of the corporation” the district clerk must take an Oath of Office.

Neither the Library Treasurer nor District Clerk are part of the competitive class of civil service but, as part time Library employees, must still comply with local civil service rules.

Association libraries are not governed by these restrictions and may appoint a trustee as Treasurer to oversee the receipt and disbursement of library funds, report to the board and otherwise fulfill the duties of Treasurer.

Resources:

- Oaths of Office [New York State Library]
<http://www.nysl.nysed.gov/libdev/trustees/oath.htm>
- Sturgis, Alice. *The Standard Code of Parliamentary Procedure*. Fourth revised edition. New York: McGraw-Hill, 2001
- *Webinar: The Role of the Board President (Helping All Trustees Succeed Mini-Webinar Series)* <http://www.nysl.nysed.gov/libdev/trustees/webinars.htm>
- *Webinar: The Role of the Treasurer (Helping All Trustees Succeed Mini-Webinar Series)* <http://www.nysl.nysed.gov/libdev/trustees/webinars.htm>

Related Documents and Policies:

- Code of Ethics/Conduct
- Conflict of Interest Policy
- Library Board Bylaws
- Removal of a Trustee

LIBRARY BOARD MEETINGS

All library board meetings fall under the provisions of the Open Meetings Law which is discussed in detail below.

Library board meetings are conducted under the rules set forth in the library's bylaws, which must comply with the library's charter, state and federal law and regulation. In order for all trustees to be properly prepared for the meeting, a packet should be mailed or e-mailed to them *no less than one week* before the meeting date. The packet should include the meeting agenda, minutes of the previous meeting, financial reports, the library director's report, the schedule of bills to be paid, proposed personnel actions and committee reports. Background information on the issues before the board should be distributed as well as any other documents that pertain to the business of the meeting. All trustees are expected to come prepared to participate fully in meeting discussions and actions and to be familiar with the activities of the committees to which they are assigned. Using the talents and skills of every board member creates a more cooperative, congenial and productive board.

Regular attendance at board meetings is essential. The Board President should be notified in advance if attendance is not possible. A trustee who misses meetings frequently may not completely understand the issues at hand and valuable meeting time can be lost bringing that trustee back up to speed. An uninformed trustee also cannot make the best possible decision when it comes time to vote. Education Law § 226 (4) declares that *"If any trustee shall fail to attend three consecutive meetings without excuse accepted as satisfactory by the trustees, he shall be deemed to have resigned..."* It is a good idea to define in the bylaws what constitutes a satisfactory excuse for absence.

Far too often boards tolerate frequent absences by a board member to the detriment of the board and the library. A successful library board needs every trustee at every meeting. A trustee who has difficulty in regularly attending meetings may wish to seek other opportunities to help the library rather than serving on the board.

The most effective boards concentrate their time and energy on a few issues that will have a major impact on the library's future. Activities that can be completed by individual trustees outside the meeting (such as reading the minutes) should not take up valuable time at a board meeting.

Richard Chait of the Harvard Graduate School of Education, an authority on nonprofit boards, has stated the key concepts this way:

- Focus the board's attention only on issues that really matter;
- Use the board's time and structure to pursue those issues;
- Be certain that the board has the information it needs at the right time;
- Ensure that the board works as an effective corporate unit.

Board meetings generally should be completed within two hours. If meetings consistently last longer, issues can be referred to committees or the director for further study or tabled for action at subsequent board meetings. Establish an ending time for the meeting and stick to it. Managing an effective meeting is the duty of the Board President. Beginning on time and keeping the discussion focused on the topic at hand are key to quality meetings.

Quorum

Education Law § 226 (1) states that a “*majority of the whole number [of trustees, regardless of vacancies] shall be a quorum.*” Board members must be present to vote. Teleconferencing does not meet the requirements of the Open Meetings Law. (Videoconferencing is permitted, but the videoconferencing sites must be open to the public and cited in the notice of the meeting.) Proxies do not meet the requirements of the law. This applies to all public and association libraries.

It is important to note that, under New York State General Construction Law § 41, no action can be approved by the board of a *public* library without a “majority of the whole.” For example, should your board be chartered to consist of seven members; an affirmative vote of four is always required for a motion to pass, regardless of the number of trustees in attendance. Tie votes defeat the motion.

Association library boards should note that the State Education Department has determined, though not technically “public”, association libraries are also required to follow such a procedure when establishing the number of votes necessary to approve a motion. This should be reflected in the by-laws.

If your charter allows for a range in the number of required trustee seats, the exact number of trustees should be stated in your bylaws and should only be changed in accordance with the by-law amendment procedures; while still respecting the range specified in the charter. This will then serve as the number the board uses to calculate a quorum and a majority. It is recommended that your charter and bylaws state an uneven number of trustees to avoid tie situations.

Open Meetings and Executive Sessions

All public libraries in New York, including association libraries, are subject to the Open Meetings Law (see Education Law § 260-a; and Public Officers Law, Article 7). This law requires that board meetings must be properly posted and advertised and open to the public. In addition, working sessions of the board (even if they are not formal meetings) must be advertised and open if a quorum of the board is expected to attend. Notice of all board meetings must be sent to the news media, noted on the Library’s website and posted in a public place such as the Library bulletin board. Educational sessions in which the board does not conduct business are exempt from Open Meetings Law.

For “public” library boards (municipal, school district and special legislative district libraries) the requirements of the Open Meetings Law also apply to all committees and sub-committees of the board. In the opinion of the Committee on Open Government, if two or more trustees are members of such committees; *even if they number less than a quorum of the entire board*, Open Meetings Law applies. Note that board committees of association libraries outside of New York City are not subject to these provisions since they are not considered “public bodies” under the law. (Public Officers Law, Article 7; Education Law § 260-a)

Under Open Meetings Law, when a document “is scheduled to be the subject of discussion by a public body during an open meeting,” the legislation requires the

public body, with reasonable limitations, to make the document available to the public prior to the meeting. Optimally, the document will be made available online. If that cannot be done, the document can be made available in paper form in response to a request. *You must provide copies of documents under discussion to the public attending your Board meetings.*

Executive sessions, meetings from which the public and the news media may be excluded, must be convened during an open meeting for a limited number of specific purposes. Those which usually apply to libraries are:

- Discussions regarding proposed, pending or current litigation;
- Collective bargaining negotiations pursuant to Article 14 of the Civil Service Law (the Taylor Law);
- 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;
- 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.

An executive session is convened only as part of a public board meeting, not as a separate meeting. The board must vote to enter executive session and state the general nature of the session for its minutes.

The board may invite advisors into an executive session with them, such as the library director, system consultant or the library's lawyer. The library director should almost always be invited in to an executive session unless the board is discussing a personnel matter related to that person.

The board is permitted to take formal action and vote on any matter in executive session except the appropriation of public monies. However, such actions must be detailed in minutes of the executive session (see below).

It is usually advisable to adjourn from the executive session and return to the regular meeting to vote on any formal action or approve specific resolutions.

Boards often use executive sessions to discuss matters with which they feel uncomfortable in a public setting yet are not defined within the law. **This is not only inappropriate, it is illegal.**

Insofar as Board communication between meetings, the Committee on Open Government opines: *“there is nothing in the Open Meetings Law that would preclude members of a public body from conferring individually, by telephone, via mail or e-mail. However, a series of communications between individual members or telephone calls among the members which results in a collective decision, a meeting or vote held by means of a telephone conference, by mail or e-mail would in (our) opinion be inconsistent with law.”*

Minutes

Minutes of all board meetings are required by the Open Meetings Law. They, along with financial statements and other official records, should be kept in a secure but accessible place and available to the public upon request. Posting them on the Library’s website is a preferred practice. Minutes of a regular session of the board must consist of *“a record or summary of all motions, proposals, resolutions, and any other matter formally voted upon and the vote thereon.”*

The minutes must reflect how each Board member voted on such actions. (Public Officers Law § 87 [3] [a])

Although it is not required, most minutes also include a summary of discussions relating to the issues covered. Minutes must be on hand for public inspection within two weeks of the meeting, *even if they have yet to be approved.*

Minutes of executive sessions are required only if the board took formal action in the executive session. If no vote or other action is taken, no minutes are required. Otherwise, the minutes of an executive session must provide *“a record or summary of the final determination”* or action the board took in the session.

These minutes must also be available for public inspection within two weeks. Approved minutes should be kept on file in perpetuity. For further information on the Open Meetings Law and the Opinions of the Committee on Open Government: <http://www.dos.ny.gov/coog/index.html>

Agenda

A consistent and business-like agenda is essential for the efficient conduct of library business. The agenda serves as the blueprint for the meeting and should be followed closely. In order to avoid surprise issues, the agenda should be developed by the director, reviewed with the Board President and sent out to the Board well ahead of time with all pertinent materials. Some Boards specify the basic outline of the meeting agenda in their bylaws. Changes to the agenda may be adopted at the beginning of the meeting. Below is a typical agenda that may serve as a template.

Sample Agenda

- i. Call to order and roll call of members
- ii. Pledge of Allegiance
- iii. Adoption of agenda
- iv. Approval of prior meeting minutes
- v. Period for public expression
- vi. Correspondence
- vii. Personnel Actions Report
- viii. Treasurer/Finance Officer's Report
 - a. Report of receipts and disbursements
 - b. Warrants
 - c. Presentation of projected cash flow
- ix. Director's and Department Heads' reports
- x. Committee reports
- xi. Old Business
- xii. New Business
- xiii. Period for public expression
- xiv. Dates of future board meetings
- xv. Other Business
 - a. Executive Session re: Director's Annual Performance Evaluation
- xvi. Adjournment

Fiduciary Responsibility

"To act for someone else's benefit with special responsibilities for the administration, investment of assets that belong to someone else."

-NYS Not-for-Profit Corporation Law

Among the responsibilities given to trustees is the oversight of the library's finances. A board's role is to put controls in place. These include a board-approved budget, internal financial controls (discussed below) and third-party oversight of financial operations through a routine pattern of reviews and audits by a Certified Public Accountant (CPA).

All expenses must be approved by the Board at a legally held meeting. (Education Law § 259 [1] [a]). (Please note that some recurring expenses, such as salaries and utility bills, may be approved for payment prior to a Board meeting but must be formally approved at the next meeting.) The Board should receive, review and understand up-to-date reports on the financial status of the organization in relation to the adopted budget. This is not to imply that the Board should micromanage every expense. It is their responsibility to assure that proper checks and balances are in place so that the library can operate efficiently, yet with appropriate due diligence on the part of the board. (See **Budget and Finance** Chapter)

Personnel

According to Education Law § 226 (7) all personnel actions must be approved by the Board of Trustees at a legal meeting. This does not suggest that the Board selects staff other than the director. It does mean that the Board creates all positions, establishes salaries and formally appoints the staff upon the recommendation of the director. (See **Personnel** Chapter)

Staff Reports

Effective Board meetings include reports from the Director and other critical personnel, such as Department Heads or staff reports on new service initiatives.

The Director's Report typically includes:

- Significant changes in day-to-day operations, the facility, website or budget;
- Financial matters that may come up later for a board vote;
- Update on internal projects (i.e. weeding, technology upgrades, website redesign), particularly in relation to the library's long-range and strategic plans;
- Relevant statistics and comparisons;
- Summary of System and Directors' Association meetings;
- System and State advocacy efforts on behalf of library funding;
- Information about upcoming programs, new services or an unexpected service that people may not know much about;
- Updates on progress related to goals within the board approved long-range plan.

Boards often focus on one department or service each month, with a report and/or presentation from selected staff. This keeps trustees up to date on all aspects of the Library and allows for a meaningful and appropriate interchange between trustees and Library staff.

Public Expression

Board meetings are for the conduct of library business. They are not public hearings about library affairs. The Open Meetings Law makes no provision for public participation, though it is wise to set aside a period for "public expression" in the agenda. In the interest of time and effectively conducting the business of the board, a policy regarding participation by the public in their meetings should be adopted. Individual public comment may be limited but such rules must be consistent. All members of the public attending a board meeting, regardless of residency, may speak. Best practice suggests two opportunities for the public to speak so that a person is not forced to sit through the entire meeting to comment.

Resources:

- Chait, Richard P., William P. Ryan and Barbara E. Taylor. *Governance as Leadership: Reframing the Work of Nonprofit Boards*, Hoboken, N.J. : John Wiley & Sons, 2005
- Local Management Government Guide [Office of the State Comptroller]
<http://www.osc.state.ny.us/localgov/pubs/listacctg.htm#lmgg>
- Open Meetings Law Advisory Opinions [Committee on Open Government, NYS Department of State] http://www.dos.ny.gov/coog/oml_listing/oindex.html
- *Webinars*
 - What Every Trustee Should Know: <https://vimeo.com/134973499>
 - Open Meeting Law (Helping All Trustees Succeed Mini-Webinar):
<http://www.nysl.nysed.gov/libdev/trustees/webinars.htm>

Related Policies and Documents:

- Audit/Review Schedule
- Board Meeting Procedures (including Public Expression Procedure)
- Claims Audit Process
- Library Board Bylaws

RISK MANAGEMENT

The public library is exposed to a wide variety of risks in the conduct of its business. These include natural disasters such as fires and storms, patron accidents of various kinds, negligence, willful misconduct and other criminal activity. It is the board's responsibility to reduce risk to a manageable level so that the service program or even the survival of the library is not threatened. A poorly managed incident, a lawsuit or a judgment against the library can have consequences far beyond the immediate impact of the event.

Library boards and trustees can be held liable for infractions of laws and regulations by the library, although considerable immunity is granted as long as the board is acting in good faith in carrying out its responsibilities. New York State Not-for-Profit Corporation Law (§720-a) and Public Officers Law (§18) afford individual trustees some degree of immunity from liability, but that does not prevent library boards and individual trustees from being sued for any reason, or seemingly for no reason at all.

The best way to reduce risk is to be sure that the library is operating in a safe, legal manner according to carefully written policies and thoughtfully implemented procedures. It is always better to prevent harm than to rely on insurance to pay for a loss. (See **Policies** Chapter)

Risk management has several components. The most obvious is insurance. The library must carry property and general liability insurance appropriate to the size and scope of its operations. Errors and omissions insurance, also known as directors and officers (D&O) liability insurance, insures the library and the board against real or perceived errors of judgment. Such insurance will usually cover legal costs and judgments against the library. Workers' compensation insurance is required by law. Other coverage, such as flood insurance, may be appropriate in some situations. The library's entire insurance package should be reviewed thoroughly and regularly for cost and adequacy of coverage.

Careful record keeping and inventory management and valuation are important in the event of a loss. In addition to the traditional inventory list, a video of the library and its contents can be useful, especially if the library houses artwork or other items whose value might be questioned. Inventories are also required in order to comply with generally accepted accounting procedures for public entities.

Another critical component of risk management involves attention to personal safety, physical facilities and loss prevention strategies. Does the library have a viable security system and a fire suppression system? Has the heating and air conditioning system been inspected and properly maintained? Is the building maintained free of safety hazards? Is the staff familiar with emergency procedures? Are practice drills held? Are security procedures in place? Is there a business continuity plan for valuable papers, critical materials and data?

Remember that risk management is a continuous process involving the Library Board, administration, staff and insurance professional.

Resources:

- Disaster Preparedness and Recovery [American Library Association]
<http://www.ala.org/advocacy/govinfo/disasterpreparedness>
- NYS Citizen Preparedness Corps <http://prepare.ny.gov/>
- NYS Emergency Management <http://www.dhSES.ny.gov/oem/>

Related Policies and Documents:

- Business Continuity Plan
- Emergency Plan (*includes disaster recovery and active shooter procedures*)
- Fire Safety Plan
- Incident Report Form
- Inclement Weather/Closing Procedure
- Patron Behavior/Code of Conduct
- Patron Complaints
- Records Retention
- Unattended Children
- Vulnerable Adults

LIBRARY POLICIES

Policymaking is perhaps the most difficult part of a trustee's job, requiring an open mind, a thoughtful study of the issues involved and a deep understanding of the library's mission and of the community it serves. In addition, clearly reasoned and written, up-to-date policies provide the Library with critical legal protection.

Policies are the rules and the principles that guide the operation and the use of the library. They are required by Education Department Regulations (8 NYCRR) § 90.2 as part of the public library minimum standards and must be reviewed every five years and posted on the library's website. The library board is responsible for creating such policies, reviewing and revising them, and ultimately enforcing them with the assistance of the library staff. Policies must be clearly written and understandable.

All policies should include a process by which the board can respond to public comments or complaints. Policies are, in effect, the rules of the library and should not be confused with procedures, which are an administrative function and describe how things are done.

It is a good idea to categorize the library's policies into internal (such as personnel, business continuity, financial controls, etc.) and external (dealing with the public). These areas can be further broken down to suit your library's particular organizational structure. There are many good resources for policy development, especially your public library system. Check the *Resources* section at the end of this chapter for sources of sample policies and policy development tips.

Typically, library boards have written policy statements in many of the areas you see notated at the end of each chapter in this publication. The full checklist is included in the Appendices.

All policies should be able to stand alone and be dated for the original adoption and review and/or revision dates. They should be recorded, compiled, and organized for ready access in a policy manual. Every trustee should have a copy of the policy manual and must be familiar with its contents.

A thorough understanding of the library's policies is the foundation from which to adopt new policies, revise old ones, and interpret or defend the library's rules. Archival records of superseded policies should be kept as part of a public library's Records Retention Policy.

Personnel policies are critical to any successful operation and must be consistent, current and in conformance with applicable state and federal law. Each library staff member should receive a copy of the personnel policies at the time of employment. A written acknowledgement of receipt is important. Posting and updating of personnel and other internal policies and procedures on a staff intranet is a common best practice.

Policy Development

Policy development and policy revision often involve major decisions and considerable philosophical reflection. Boards must allow adequate time to discuss and assess policy options and ramifications. While trustees alone have the legal authority to make policy, the process works best when the library director and other key staff are closely involved. The staff has an important role in researching options, drafting recommendations, and presenting them to the board for discussion and approval.

When establishing new policy the board should seek from the director sufficient information to discuss the issue with confidence. This should include:

- A description of the issue that requires policy consideration;
- A statement describing how a policy would contribute to the accomplishment of the library's goals and objectives;
- A list of existing policies related to or affected by the proposed policy;
- A list of the policy options available, with appropriate analysis (including effects of enforcing the policy, legal ramifications, and costs to resources, facilities, and staff);
- A recommendation, accompanied by the justification for changes in any existing policies.

When any existing policy is under evaluation, the board should ask if it is:

- In compliance with all laws and regulations;
- Consistent with the library's charter, mission, goals, and plans;
- Consistent with the Library Bill of Rights and the Freedom to Read Statement;
- Complete, clearly written, and easily understandable;
- In the best interest of the community at large, devoid of politics, prejudice, or favoritism;
- Easily enforceable without undue burden on the library staff;
- Designed to maximize library services and access for the greatest number of users.

All policies should have the date of the board's approval and the date of revisions noted in the footer of the document. Regular review and revision is essential and required under Education Department Regulations (8 NYCRR) § 90.2. Copies of the policy manual must also be housed in the library and be easily accessible by the staff and public. Posting public (external) policies on the library's website is now required under Education Department Regulations (8 NYCRR) § 90.2.

The director is responsible for instructing the staff about the policies that affect their work and assuring that they fully understand these policies. Staff members are on the front lines when a policy question arises, and it is essential that they are able to explain all policies to the public in a clear and effective manner and to apply them consistently.

Resources:

- Library Trustees Association of New York State: Policy Database <http://librarytrustees.org/policies.php>
- Mid-Hudson Library System: Public Library Policies - Development Tips & Samples <http://midhudson.org/topics/director-resources/policies/>
- New York Library Association: Sample Policies <http://bit.ly/1KKsqTw>

Related Policies and Documents:

- Records Retention

ETHICS AND CONFLICT OF INTEREST

In today's political environment accountability and ethics are critical ingredients for any public organization. As public libraries continue to develop, expand and rely to a far greater extent on the support of local taxpayers, it is essential for every library board to have in place a policy clearly stating the ethical principles upon which they work. In every decision trustees should be sensitive to even the appearance of impropriety.

In this context trustees or their families may not enter into a business relationship with the library, even if they are providing a service below cost.

The library board and staff must be transparent about conflicts of interest. A conflict of interest policy and disclosure form are now required for all libraries in New York State given the Department of Education's Office of Counsel ruling on how the Non-Profit Revitalization Act applies to libraries. The Act specifies particular issues to be addressed in a library's conflict of interest policy. More information is available on the New York State Library's website (<http://www.nysl.nysed.gov/libdev/trustees/coi-wb.htm>).

In a similar fashion, Library Boards are strongly encouraged to adopt anti-nepotism policies to address the management and public relations issues surrounding the employment of both trustees' and staff family members. Should you find a pre-existing nepotism situation at the library it is critical to review with managers appropriate communication channels and authority. Trustees in conflict in this area may need to recuse themselves from certain votes that would impact their relative(s).

The State Library and the State Education Department Fraud, Waste and Abuse site (<http://www.oms.nysed.gov/oas/fraud/>) have received an increasing number of complaints challenging the actions of library boards that have approved the hiring of relatives of board members as either staff or as vendors. The public perceives such actions as inappropriate and, in the interests of stewardship, accountability and transparency, library boards are strongly advised against such actions.

Though not necessarily an ethical or legal issue, “appropriate and professional” behavior by board members is every trustee’s concern and responsibility. You reflect the library to the community. The most successful boards have a positive culture of mutual respect and understanding. To this end, a Code of Ethics should be adopted so that expectations of behavior are clearly stated. When any member acts in a manner that is not in the best interests of the library or in the cooperative nature of the board, the Board President should discuss the issue with the trustee in a direct and constructive manner. Violations of the board’s Code of Ethics can be the basis of the dismissal of a trustee from the board following due process.

Resources:

- Conflict of Interest policy, Non-Profit Revitalization Act [New York State Library] <http://www.nysl.nysed.gov/libdev/trustees/coi-wb.htm>
- Internal Controls and Financial Accountability for Not-for-Profit Boards [NYS Office of the Attorney General] http://charitiesnys.com/pdfs/Charities_Internal_Controls.pdf
- Public Library Trustee Ethics Statement [United for Libraries, American Library Association] <http://ala.org/united/sites/ala.org.united/files/content/trustees/orgtools/Ethics%20Statement.pdf>

Related Policies and Documents:

- Code of Ethics
- Conflict of Interest
- Nepotism
- Whistleblower Protection

PERSONNEL

The management and operation of a library are accomplished through a partnership among trustees, the library director, staff and volunteers.

The Critical Partnership: Trustees and the Director

As the library's governing body (and the entity with ultimate accountability for the institution), the board of trustees has the responsibility to hire a competent, professional and qualified library director as the “CEO” (Chief Executive Officer) and then to regularly review and evaluate that person's performance in moving the library forward. Having hired a director, the board has an obligation to support the director wholeheartedly within the context of the employment relationship. Good communication and cooperation between the board and library director and an appreciation of the interdependency of each other's roles are prerequisites to a well-managed library.

It is critical for the board to establish and maintain clear lines of communication with the director. In general, the board's directions and intentions are communicated to the director through the President of the Board or through official actions at a board meeting. Individual trustees should refrain from issuing specific instructions to the director at board meetings and especially between meetings. Such individual directions are inconsistent with the concept of collective board authority and a library director risks being caught between conflicting intentions, even among well-meaning trustees.

Trustees and Staff

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 overseen by the board. The director is responsible for the management and supervision of all other library employees. Trustees have a responsibility to know staff at a friendly but professional distance, to be cordial and supportive and to promote good will. But they must approach staff relationships with a degree of caution.

Usurping the administrative prerogatives of the library director can only undermine that person's position and authority and ultimately lead to misunderstanding and conflict. (See the Appendix *Working Together: Roles & Responsibilities Guidelines* for helpful guidelines).

Board policies, including a “Whistleblower” policy as required by law, should clearly indicate the process for staff complaints and grievances, and the board should never get involved in such activities outside of this process. Individual trustees must never address staff complaints and grievances; rather, they should refer the staff to the appropriate policy. If and when a grievance reaches the board level, it is usually the responsibility of the director to communicate the board's decision back to the staff. Only in those cases where the grievance involves the director should the board communicate directly with the staff.

While Education Law § 226 (7) specifically prohibits trustees from receiving compensation, some trustees may act as library volunteers, especially in small libraries. Likewise, libraries without an anti-nepotism policy often have trustees' family members on staff. This can lead to an awkward situation for all involved. (State law only prohibits public library trustees from appointing their close relatives as “officers of the corporation”, i.e., director, treasurer or trustee.) A trustee is part of the governing board of the library, while staff and volunteers report to the library director or other paid supervisor. Any trustee who pursues the role of volunteer or has a family member or friend on staff must be extremely sensitive to the potential conflicts of authority that may arise. It is best to avoid such situations whenever possible.

Appointment of Staff

Education Law § 226 (7) specifies that all personnel actions must be approved by the Board of Trustees at a legal meeting. This does not suggest that the Board selects staff other than the director. It does mean that the Board creates all positions, establishes salaries and formally appoints the staff upon the recommendation of the director. In other words, ***the director selects, the board appoints.***

Though the board must ultimately approve all appointments, titles and salaries, and so note in their minutes, often simple staff appointments such as pages or part time support staff cannot wait until the next board meeting. In such cases retroactive appointments are commonly made. Likewise, public library boards will often approve an appointment “pending civil service approval” in an effort to streamline the sometimes awkward formalities of civil service rules.

Typically, the board will review the credentials of candidates recommended for higher level staff positions such as department head or assistant director in order to be familiar with the library’s leadership. This would also apply to the positions of Treasurer and District Clerk.

Selecting the Library Director

The most important responsibility of a library board of trustees is to select a qualified library director who can work effectively with the Board, professionally manage the institution and reflect the ideals of the institution and the community it serves. All libraries are required to comply with Education Department Regulations (8NYCRR) § 90.8 governing the minimum qualifications for library director. Public libraries must also conform to the Civil Service rules for employment in their jurisdiction and in the State of New York. (See the Appendix *Civil Service 101* for more information.)

When embarking on this process, it is appropriate for the Board to ask themselves a number of critical questions about the library, the library board and the type of leadership they require. Each of these should be considered in light of the library’s mission, long range and strategic planning documents and recent assessments of community needs. Such questions might include:

- What qualities do you value in your Library Director?
- What are the most important skills your Director must possess?
- What roles do you see the Director playing with the Board, the staff and the community?
- What significant initiatives and challenges do you foresee for the Library in the next five years?

- Do you prefer a well-experienced Director or are you willing to give bright young talent a chance?
- Would you prefer (or not) a local resident?

All too often library boards look for the easy way out, the simplest or quickest choice or the cheapest alternative. Competent leadership of the library is essential for its efficient management and future success. Choosing an inadequate director will result in more work for the board and a disappointing library. Every library deserves a qualified library director who is respected by the board and community and is appropriately compensated.

To assure the best selection solicit candidates from a wide variety of sources. Talk to your library system. Thoroughly evaluate resumes and hold additional interviews for good candidates. Ask tough questions but be certain to stick within the law. Check references and previous employers. Lastly, negotiate a fair agreement for salary and benefits and put it in writing, in the form of a letter, memorandum or contract. Qualified professionals will expect no less.

In the event the library board finds themselves without a director/library manager during the search process it is important to appoint a qualified interim/acting director as soon as possible. If no one on staff is available the board is strongly advised to contact their library system for assistance. The interim director should not be a trustee, unless they resign their position and are qualified for appointment. In no case should the board take on the day to day management of the library.

Performance Evaluation

In order to maintain clear communication and effective management it is critical for the trustees to regularly evaluate the performance of the library director. It is often one of the most difficult tasks as well. There are several good reasons to conduct an annual performance review. Among them:

- A review provides the director with formal feedback on their job performance;

- The evaluation effort provides the board with critical information about the operations and performance of the library and should be conducted in such a way to inform the evaluation of progress on the library's long-range plan;
- The evaluation process can be used to establish the goals and objectives of the library, as well as of the director;
- A meaningful evaluation process can link compensation to job performance;
- A thoughtful evaluation can improve communication and provide motivation, direction and encouragement;
- The process can be coordinated with the determination of community needs, thereby providing an important component of the library's ongoing planning efforts;
- The formal evaluation process is necessary to properly document unsatisfactory performance.

It is essential that a written, reasonable and up-to-date job description be in place as a benchmark. It is also important to mutually develop an annual performance plan with the director. The annual evaluation is the time when members of the board and their chief executive focus on the important issues facing the library and evaluate how the director and the Board are performing as a team. There are many sample evaluation forms available, but it is the process itself that is most important, not the form. In order to make the process more effective consider the following tips:

- Have a valid, realistic job description in place;
- Have a written agreement or contract stating the director's conditions of employment, salary and benefits, and the evaluation methodology;
- Conduct a written evaluation of the critical aspects of the job by members of the board or have the director provide a detailed self-evaluation for board review and discussion;
- Evaluate the director's performance against the goals and objectives of the director's performance plan, the library's long range and strategic plans;
- Use the opportunity to evaluate the board's performance as well;
- Make sure the entire board participates in the evaluation process;
- Be open and honest and do it face to face.

Compensation

It is important for the board to offer competitive salaries and benefits for library personnel. A library's success is dependent upon the quality of customer service provided by library staff. You will want to plan accordingly to retain competent, qualified, customer service-focused staff. Use benchmarks such as the MIT Living Wage Calculator (<http://livingwage.mit.edu/>), salary levels of corresponding personnel in the local school district and salary and benefit levels in equivalently sized libraries in your region.

Continuing Education

No one is born an expert at their job. On the job learning, mentoring and continuing education opportunities are essential to an employee's success and therefore the library's success. The board should adequately budget for continuing education for staff, including the ability for staff to attend educational opportunities on work time and accommodations to underwrite the travel costs to workshops and conferences. At least 1% of the library's operating budget should be invested into education for staff and trustees. A good library never stops learning.

Your First Responsibility:

As a trustee, it is sometimes necessary to remind yourself that your first responsibility is to the library and the community it serves. The role of employer may be a role to which many trustees are unaccustomed and it can sometimes seem easier to let an uncomfortable situation slide rather than face it head on. This is especially the case in small communities where trustees and library staff may have been friends and neighbors for many years. An unwillingness to deal directly with difficult personnel issues will ultimately damage the library and its ability to provide the best service to the community. If a library director has truly demonstrated a continuing, documented inability to manage the library effectively, the board must look for a new person who can do so rather than make excuses or run the library themselves.

Resources:

- *Webinar: The Critical Partnership: Public Library Trustees and Directors*
<https://vimeo.com/98339288>
- *Webinar: Hiring Your CEO (Helping All Trustees Succeed Mini-Webinar Series)*
<http://www.nysl.nysed.gov/libdev/trustees/webinars.htm>
- *Webinar: Director Evaluation (Helping All Trustees Succeed Mini-Webinar Series)*
<http://www.nysl.nysed.gov/libdev/trustees/webinars.htm>
- “Evaluating the State of the Library – Director Evaluation” [Mid-Hudson Library System] <http://midhudson.org/topics/trustees/atb-evaluating-the-library-1/>
- “Evaluating the State of the Library – Board Effectiveness” [Mid-Hudson Library System] <http://midhudson.org/topics/trustees/atb-evaluating-the-library-2/>
- *Organizational Tools for Trustees [United for Libraries]*
<http://www.ala.org/united/trustees/orgtools>

Related Policies and Documents:

- Attendance/Leave
- Code of Conduct
- Computer/Internet/Email/Social Media Use
- Continuing Education
- Customer Service
- Director’s Contract/Memorandum of Agreement
- Discipline/Termination
- Equal Employment Opportunity Statement
- Evaluation Procedure
- Grievance Procedure
- Harassment
- Jury Duty
- Orientation
- Outside Employment
- Patron Confidentiality
- Personnel Records Access
- Probationary Period
- Recruitment/Hiring
- Salary/Benefits
- Volunteers
- Whistleblower Protection
- Workplace Safety

BUDGETS AND FINANCE

Public library boards are legally responsible for the library's finances and financial management. As custodians of public funds, trustees must be accountable in their management of the library's money. All too often library boards fail to live up to their duty to secure adequate funding for the library's service program and to exercise appropriate fiduciary oversight. The library's annual operating budget is required to be easily accessible to the public and posted on the library's website. (Education Department Regulations (8 NYCRR) § 90.2)

The Budget Process

Every public and association library, regardless of size, is required to prepare and adopt a written annual budget. In larger libraries, budget preparation is primarily the responsibility of library management. The board of trustees defines the library's mission and approves a plan of service and the director translates that mission and plan into programs with specific costs that form the basis for a draft budget. *The best budgets are developed in relationship to the library's long range and strategic planning process and include projections for future years.*

During its development, the budget draft should be reviewed and scrutinized by the president, the library treasurer/finance officer and/or the board finance committee, depending on local practice. The final budget draft should be the product of careful review and discussion by a number of people even before it is presented to the full board. The entire board should review and discuss the library's budget. The final budget must be approved by the board prior to submittal to the electorate or funding authority.

Directors must be full partners in the budget development process in libraries of all sizes. As the manager of the library, the director has an important perspective on the library's programs, services, and costs that trustees do not. Smaller libraries may also seek assistance from their public library system.

A budget is a flexible document, not a rigid rulebook. Plans and circumstances will change during a fiscal year, and the board has both the authority and the responsibility to revise the budget to accommodate new situations.

Fund Accounting

Depending on its circumstances, and in compliance with the NYS Comptrollers' guidelines (<http://osc.state.ny.us/localgov/pubs/arm.pdf>), the library may have more than one accounting fund. The *operating fund* is the account from which the library's day-to-day income and expenses are received and disbursed and is usually the account through which almost all receipts pass. This is the primary fund for the library's annual budget.

A *capital fund* is a separate account established for special one-time, unusual and usually high-cost activities such as construction, renovation, or major equipment purchases. Often end-of-year surplus from the operating fund is transferred into the capital fund for future use.

A library may also have an *endowment fund*, which exists independent of the operating fund and whose purpose is to generate supplemental revenue for the library. Often such funds are designated for specific purposes.

Library boards may establish other special purpose funds for accounting and planning purposes. Monies may be transferred into and out of such funds only with formal board approval at an open meeting. It is common for the library to maintain an "undesignated" fund, or "fund balance," to meet the cash flow requirements of the organization prior to the receipt of taxes.

Each fund must be defined in the library's Reserve Funds policy, identified in the library's annual audit and its purpose understood by every trustee. There is no limit to such reserve funds in law or regulation, but recent State Comptroller's audits have questioned extraordinary reserves (i.e. in excess of the library's annual budget).

Having acquired funds from a local government, community taxpayers or other sources, the board has an obligation to spend the money! Although a reserve fund is

prudent and appropriate, the library should not hoard excessive amounts of money as a hedge against the proverbial rainy day. There should be justification, based in reality, for all reserve funds. Local governments, voters, and donors do not give or appropriate money to the library so the board can put it away in a safe place. They are buying service from the library!

Audit and Control of Funds

Under New York State law, the board of trustees has sole authority over the expenditure of funds appropriated for library purposes. The board therefore, must have a method in place for the review and approval of all expenditures. All trustees should receive a monthly financial statement prepared or approved by the library treasurer, showing receipts, expenditures, and a comparison with the budget. All expenditures of library funds must be approved by the library board either prior to the expenditure or, for such items as petty cash, recurring utilities or subscriptions, soon thereafter. Each library should have a policy governing such transactions.

In recent years library boards have been criticized by the State Comptroller for insufficient oversight of library expenditures. Specifically boards are instructed to establish a “*claims auditing*” procedure where one or more trustees are assigned to review the monthly bills and make a recommendation to the full board for payment. All trustees are encouraged to exercise “due diligence” in the payment of claims. Bills must be available for trustee review at board meetings at which they are approved should questions arise.

All libraries are required to submit a financial report as part of their *Annual Report* to the New York State Library. In addition, all public libraries are required to submit an *Annual Update Document (AUD)* to the Office of the State Comptroller and all association libraries registered as a 501(c)(3) with the IRS should submit *Form 990* to the Internal Revenue Service.

Procurement

Public library boards, in addition to compliance with New York State competitive bidding statutes, are required to adopt a written procurement policy and procedures

governing all purchases of goods and services; *even those that are not subject to competitive bidding*, in accordance with New York State General Municipal Law. Soliciting competition through competitive bids, requests for proposals, written and/or verbal prices quotes is considered an effective process by the State Comptroller. www.osc.state.ny.us/localgov/pubs/lmgg/seekingcompetition.pdf. Association libraries are also encouraged to follow such responsible practices.

External Audits

Boards should authorize annual external audits by an independent certified public accountant (CPA) in order to assure that the financial management and control system is functioning properly. While the board may be concerned about the cost of an external audit by a CPA, it is important to remember that these funds belong to the community and deserve professional oversight.

The purpose of an audit is to certify the accuracy of the library's financial statements. The auditor is testing the financial control system for reliability. The audit is an opportunity to verify and confirm the library's proper financial management and to learn from outside financial professionals. Several years of independent audits are often required when libraries seek to borrow funds or seek the issuance of municipal bonds for capital projects.

Though not required by law, libraries are strongly advised to conform to the highest accounting standards recommended by the Governmental Accounting Standards Board (GASB.org) in their management of public funds.

New York State Comptroller's Audits

The Office of the State Comptroller (OSC) has the right to audit the finances and internal financial control practices of public libraries. They may also audit association libraries, but only in the area of tax cap compliance. All public libraries should prepare for an eventual audit from OSC. A review of recent audits of public libraries by OSC revealed five areas that were commonly deficient. Each library board should ensure library policy, procedures and practices are in alignment with OSC's recommended best practices for internal controls, particularly in the areas of:

- The claims audit process: Does the board review and approve every bill?
- Cash handling procedures: Are there viable segregation of duties procedures in place?
- Purchasing/procurement policy: Are there written procedures in place even for purchases under the threshold for bidding under NYS General Municipal Law?
- Credit card policy: Who may use credit cards for what specific purposes?
- IT security and policy: Is your business and banking data safe?

Guidance from OSC on all five of these areas is available through their Local Government Management Guide modules:

- *The Practice of Internal Controls*
- *Improving the Effectiveness of Your Claims Auditing Process*
- *Information Technology Governance*
- *Seeking Competition in Procurement*
- *Investing and Protecting Public Funds*

All are available at: <http://www.osc.state.ny.us/localgov/pubs/listacctg.htm#lmgg>.

Library Funding

Adequate funding is not the job of the library director. It is the library board who is accountable to the local community for obtaining sufficient funding to provide appropriate public library services; both for the present and well into the future. Public libraries demonstrate a community's commitment to a better tomorrow, and it is the trustees' responsibility to assure that their library will be a strong and viable institution for their children and grandchildren. A public library is a public service and secure, reliable public funding is the most appropriate way to pay for it. A public library is not a charity!

Today's increasing regulation, public scrutiny and technological changes must be met with farsighted and unselfish vision that recognizes these realities and plans for the future. Good stewardship means solid financial planning for the future.

This may mean significantly restructuring library services, or even pursuing a new legal structure to obtain stable tax support, on your own or in cooperation with neighboring libraries. Ultimately, the board must assume the responsibility for tomorrow's community library.

In addition to tax monies, public libraries seek out funds from a variety of other sources. These include government and foundation grants, gifts and bequests, fundraising campaigns, fines, fees and investments. All of these sources can provide important added dollars for the library's budget, but they should always be considered supplemental to tax support. The public library system can provide information on grants and other complementary funding sources available. To rely on donations for critical operational expenses such as salaries, building maintenance and utilities is inviting a crisis for the library.

Libraries finding themselves unable to provide the library resources their community deserves are well advised to investigate alternative models for funding library service as demonstrated by the Board of Regents endorsed public library district model: (<http://www.nysl.nysed.gov/libdev/libs/pldtools/index.html>).

Property Tax Cap

Libraries of all types that have their own board of trustees and have a public vote on their tax levy are subject to the Local Government section of the NYS Property Tax Cap law. This legislation went into effect in 2011 and is designed to limit property tax increases to 2%, or the Consumer Price Index (CPI), whichever is less. Each year your library must file an online form with the Office of the State Comptroller (OSC) to indicate your compliance with the particulars of the law. In the course of the board's budget deliberations, you may determine that your library may be justified in asking for more than the tax cap amount. To accomplish this the board must pass a tax cap override resolution prior to the public vote on the library's tax levy. This resolution must receive an affirmative vote by 60% of the library trustees. The public vote must then pass by a simple majority to approve the levy amount. For more information see: <http://osc.state.ny.us/localgov/realprop/localgovernments.htm>.

Investment of Funds

Because public library trustees act as custodians of public funds, they are subject to very tight restrictions on eligible investments. As the State Comptroller recommends:

"The primary objectives of the library's investment activities should be, in priority order, 1) to conform to all applicable federal, state and other legal requirements (legal), 2) to adequately safeguard principal (safety), 3) to provide sufficient liquidity to meet all operating requirements (liquidity) and 4) to obtain a reasonable rate of return (yield.)" See: Investing and Protecting Public Funds <http://osc.state.ny.us/localgov/pubs/lmgmg/investingpublicfunds.pdf>

Under General Municipal Law and subsequent court rulings, all funds (including privately raised moneys) under the control of a municipal, school district, or special legislative district library must be invested in the following limited number of financial vehicles:

- Time deposit accounts or certificates of deposit in commercial banks and trust companies located and authorized to do business in New York State;
- Obligations made by the United States of America or guaranteed by the United States of America;
- In limited circumstances, obligations of municipalities and other municipal corporations.

Except for gifts given to the library as a true trust, even privately acquired funds are subject to these investment limitations for public libraries. Under certain circumstances, and with the express permission of the State Comptroller, gifts of stock may be held until a fiscally appropriate time for sale. Some public libraries have partnered with regional “community foundations” to allow the foundation to accept significant donations on behalf of the library and to invest them in a diversified manner. It is critical to develop this relationship before such a donation is made and to review such an arrangement with the library’s legal and financial advisors. (<https://www.cof.org/community-foundation-locator>)

Association libraries are not subject to General Municipal Law and therefore have more flexibility and discretion in their investments. However, it is strongly recommended that public funds under the management of an association library board be invested only as described above. Private funds should be subject to a sound investment policy. The board must always understand its accountability to all those who support the library, in whatever fashion.

Capital Projects

When the time comes for a major expansion or renovation, public and association libraries generally seek public approval to borrow the necessary funds from a financial institution or to issue municipal bonds through an authorized agency such as a school district, Community Development Corporation or the Dormitory Authority of the State of New York (DASNY). Libraries are not authorized under state law to issue municipal obligations on their own. Such financing is quite complex. Professional legal and financial assistance is strongly recommended.

Other sources of funding for capital projects for public libraries, and the primary sources for association libraries, can include a traditional capital campaign, requests for funding through your state legislators and the State Aid for Library Construction Program administered through your public library system. Association library boards, as private not-for-profit corporations, are permitted to engage in fundraising activities for the benefit of the library in their capacity as board members. Of course, the library director must be an important part of your fundraising team.

Public library boards generally take care to separate private fundraising efforts (such as direct personal solicitations, as opposed to seeking grants from foundations or government agencies) from normal library operations and board activities since there are restrictions on the appropriate use of public funds. Many boards entrust the fundraising role to Library Friends and/or Foundations. Of course, trustees are private citizens too and may certainly work to raise money for the library as individuals. Please refer to the chapter on Library Friends and Foundations later in this Handbook.

Resources:

- *Webinar: Public Library Finance and the Trustee's Fiduciary Responsibilities:* <https://vimeo.com/115021246>
- Governmental Accounting Standards Board <http://gasb.org/>
- Grant Administration, Dormitory Authority of the State of New York (DASNY) <http://dasny.org/finance/grantadministration.aspx>
- Investing and Protecting Public Funds [Office of the State Comptroller] <http://osc.state.ny.us/localgov/pubs/lgmg/investingpublicfunds.pdf>
- Local Government Management Guides [Office of the State Comptroller] <http://www.osc.state.ny.us/localgov/pubs/listacctg.htm#lgmg>
- Public Library Districts: An Introduction [New York State Library] <http://www.nysl.nysed.gov/libdev/libs/pldtools/index.html>
- Public Library Vote Toolbox [Mid-Hudson Library System] <http://vote.midhudson.org/>
- Real Property Tax Cap – Local Governments [Office of the State Comptroller] <http://osc.state.ny.us/localgov/realprop/localgovernments.htm>
- Sample Tax Cap Override Resolution Language [New York Library Association] http://nyla.org/images/nyla/files/Sample_Tax_Cap_Override_Resolution.pdf
- State Aid for Library Construction Program [New York State Library] <http://www.nysl.nysed.gov/libdev/construc/index.html>

Related Policies and Documents:

- Audit/Review Schedule
- Claims Audit Process
- Credit Card
- Disposition of Surplus Property
- Fundraising/Gift
- Investments
- Inventory/Fixed Assets
- Online Banking/ Wire Transfers
- Petty Cash
- Purchasing/Procurement
- Reserve Funds
- Travel and Conference

PLANNING AND EVALUATION

Every public and association library in New York is required to have a written long-range plan of service and to make it easily accessible by the public; including on the library website. (Education Department Regulations (8 NYCRR) § 90.2) There are many excellent publications on planning. Some, such as the Public Library Association's *Planning for Results* series, are specifically library oriented (<http://www.alastore.ala.org/detail.aspx?ID=61>).

The conscious decision to engage in planning is far more important than the planning tool used. Though planning may be required, it is simply a smart way to inform decisions about budgeting, personnel, capital improvements, library services and community involvement.

Every trustee must be prepared to ask difficult, searching questions about the library's goals and objectives, programs and services and about the board itself. What are the objectives of this library? Have they been accomplished? Are they appropriate? Is the community well served? Is the library contributing to creating a more sustainable, resilient community? How do we define good service? Does the director manage the library properly? Is the board functioning effectively? What do we want our library to look like in the future?

Long range planning prepares for the future. **Strategic** planning is based on the premise that change is necessary to survive and thrive in the future. Strategic planning answers the question, "What do we have to do now in order to improve our ability to operate five years in the future?" If the planning time frame is shorter it involves **operational** planning. Operational planning focuses on the improvement of things the library already does and is primarily concerned with the allocation of resources.

Creating a plan involves answering questions:

- What does the community need?
- What is to be done?
- Who is responsible and who should be involved?

- How will it be done?
- What is the timetable?
- What resources (people, money, materials, etc.) are available?
- Who are the stakeholders in the process?
- What is to be reported to whom, and when?
- What options are available?
- How is success measured?

A practical planning process is outlined in the Appendices.

Every plan has the same general components. The *mission* is a short, carefully crafted statement that tells the world why the library exists. Many libraries capture their mission in a single sentence. *Goals* are broad statements of program intent that support the mission statement and respond to your community's aspirations as discovered through the community input phase of your planning process. They are measurable only to the extent that they provide targets toward which to strive. There is always more to do to reach a goal! *Objectives* are specific, measurable, tasks or projects in support of a goal, usually stated in terms of outcomes. *Action steps* or *activities* are the specific assignments that must be completed in order to reach an objective. Finally, every good plan should come full circle with an *evaluation* process.

Evaluation looks at the past in order to plan for the future. It is an assessment and a measurement of activities that have already occurred and it provides a foundation for moving forward. Objective measurement, supplemented by subjective, anecdotal information, can help the board decide if its objectives have been met. However, it is important to determine the appropriate measurements upfront and to measure the right things. Conversely, it is a waste of time to measure things that don't matter.

For example, library circulation is a traditional measure of library use, but it is only a small part of the activity in a library and is often misleading if not presented as trend data over the past few years. What other measurements can be used to get an accurate picture of how the public uses and benefits from the library? This might include a combination of metrics and outcomes.

Examples of metrics could include: in-house use of materials; Internet use; database searches; program attendance; engagement on the library's Facebook Page and so on. Outcomes are the changes, benefits, learning or other effects that happen as a result of your library's efforts - how you are improving your community. Project Outcome from the Public Library Association (<https://www.projectoutcome.org>) provides easy to administer tools for outcome-based evaluation. Your evaluation should be appropriate for the service package your library offers to the community. Significant projects, like planning, may exceed the board's collective skill and experience, making it advisable to call on the library system or outside consultants for assistance.

As a steward of the library your planning process should work to create a library for your community that will not just survive, but thrive. Public library services are too important to leave to chance. Planning for the future should incorporate the core value of sustainability. Choices the board makes should be made with an eye towards creating an enduring, sustainable institution and facility that will be viable, vital and visible for generations to come.

Resources:

- Libraries Transforming Communities [American Library Association]
<http://www.ala.org/transforminglibraries/libraries-transforming-communities>
- Outcome-Based Evaluation [New York State Library]
<http://www.nysl.nysed.gov/libdev/obe/bestprac/examples.htm>
- Public Library Statistics [New York State Library]
<http://www.nysl.nysed.gov/libdev/libs/index.html#Statistics>
- Planning and Evaluation [Mid-Hudson Library System]
<http://midhudson.org/topics/trustees/#Planning>
- *Webinar: The Role of Trustees in Planning* [New York State Library]
<http://www.nysl.nysed.gov/libdev/trustees/webinars.htm#151118>
- *Webinar: Strategic Planning (Helping All Trustees Succeed Mini-Webinar)*
<http://www.nysl.nysed.gov/libdev/trustees/webinars.htm>
- *Webinar: Sustainable Thinking for the Future of Libraries* [New York State Library]
<http://www.nysl.nysed.gov/libdev/trustees/webinars.htm#160908>

ACCESS TO LIBRARY SERVICES

“Barriers to employment, transportation, public accommodations, public services and telecommunications have imposed staggering economic and social costs on American society and have undermined our well-intentioned efforts to educate, rehabilitate, and employ individuals with disabilities.” U.S. Equal Employment Opportunity Commission; The Americans with Disabilities Act (ADA): Questions and Answers, 2009.

Access begins with an awareness of the diversity of the individuals we serve. Be they seniors lacking mobility, an autistic child, those with by hearing or visual impairments, or a wounded veteran returning home; all deserve the same level of service as anyone else. The concept of free and open access to libraries is fundamental to their very existence. Such access takes many forms: convenient hours, a well-designed facility and website and friendly, helpful staff. The role of the public library is to be a valuable resource to everyone in the community.

Even four decades since the passage of the Rehabilitation Act of 1973 and 25 years after ADA, library employment opportunities, as well as library programs and services, are not always fully available to people with disabilities. Therefore, it is imperative to include an awareness of the needs of individuals with disabilities in all library planning and budgeting.

New York State Education Commissioner’s Regulations require the library board maintain a facility which meets community needs. The Americans with Disabilities Act (ADA) (ADA.gov); the Americans with Disabilities Act Accessibility Guidelines (ADAAG); the Rehabilitation Act of 1973 (Sections 504 and 508) (Disability.gov); and the Architectural Barriers Act (Access-Board.gov) prescribe specific building standards to ensure access for persons with disabilities. All new construction and substantial renovations must comply with ADA requirements. Libraries with inaccessible (or even partially inaccessible) buildings must have a written plan describing how their programs and services will be delivered to customers who cannot gain access and document efforts to improve the accessibility of the facility.

There is no such thing as your facility being “grandfathered in” under ADA.

Many of the laws, regulations and provisions overlap, but ultimately provide legal guidance in creating and maintaining accessible library services, programs and employment opportunities.

But access to library service is more than just about the library building. Public library trustees, directors and staff should receive disability awareness training. Such training will educate them about assistive technologies to make the library's materials accessible to all, how to provide alternative library services and resources, and how to use the library's traditional outreach techniques to engage disability-related service providers and organizations in the community.

Every library should provide their constituents with information about the services available through the New York State Library Talking Book and Braille Library (for residents of the 55 upstate counties) (www.nysl.nysed.gov/tbbl/) and the Andrew Heiskell Braille and Talking Book Library (for residents of New York City and Long Island.) (<https://www.nypl.org/about/locations/heiskell>)

Services to people who are homebound must be a recognized service program in every library, both for the fact that such patrons need library services as much as or more than others in the community, and that homebound services are legally required under the ADA and Section 504 of the Rehabilitation Act.

Accessibility applies to every aspect of library service. This is especially true of the library's website. Many tools are available to help your online presence be useable by everyone in your community. If a public service environment is not fully accessible, it cannot play its unique role in the support and preservation of democracy or fulfill its true community purpose. It is the trustee's responsibility to plan and budget for library service to people with disabilities in their community.

Resources:

- ADA Technical Assistance Materials [United States Department of Justice, Civil Rights Division] <http://www.ada.gov/ta-pubs-pg2.htm>
- ADA Update: A Primer for State and Local Governments: http://www.ada.gov/regs2010/titleII_2010/title_ii_primer.html

- Disability.gov [United States Department of Labor’s Office of Disability Employment Policy] Disability.gov/
- Job Accommodation Network: <https://askjan.org>
- Library Accessibility: <http://www.ala.org/ascla/asclaprotocols/accessibilitytipsheets>
- NYPL Andrew Heiskell Braille and Talking Book Library: <https://www.nypl.org/about/locations/heiskell>
- NYS Talking Book and Braille Library (TBBL): <http://www.nysl.nysed.gov/tbbl/>
- United States Access Board Access-Board.gov/
- Website Design: http://www.libsuccess.org/Website_Design#Accessibility
- Your Words, Our Image: http://aacpdm.org/UserFiles/file/Your_Words_Our_Image_flyer.pdf

Related Policies and Documents:

- Accessibility / ADA Statement
- Collection Development
- Equal Employment Opportunity Statement
- Programming
- Vulnerable Adults
- Website

FACILITIES

Education Department Regulations (8 NYCRR) § 90.2 (a) (8) requires the board to *"maintain a facility which meets community needs."* While various formulas exist for determining the appropriate size of a library, the final determination of adequacy rests in the hands of the trustees. Square footage is only one factor in deciding whether a library meets the community's expectations. Location, internal arrangement, accessibility for all patrons, environmental quality, and intangibles such as ambiance all contribute to the overall adequacy of a library building.

According to the guidelines developed by the New York State Library and the Public Library System Directors Organization: *"Various publications provide helpful "rules of thumb" or "standards" for the number of seats, shelving, or meeting room facilities needed by communities of varying sizes. ... Building experts would first ask the library director and board, "What are the goals and service plans of the Library?" General services planning precedes facilities planning because it defines the users, services, and programs of the library. Once these plans are defined, the board, director and others can better decide on space needs, layout, and technical specifications..."* (<http://www.nysl.nysed.gov/libdev/helpful.htm#MFC>)

Proper maintenance of the existing library is essential if the board is to fulfill its responsibilities to the community. Preventative maintenance for major systems, such as the heating/ventilation/air conditioning system (HVAC), can extend their life and prevent catastrophic or unexpected failure.

The library should be a pleasant and safe place to work and visit. It must be accessible to everyone in the community. This requires more than just a wheelchair ramp and ADA compliant bathrooms. Every aspect of the library's service program should be evaluated to determine if it is accessible to persons with physical or mental disabilities. (Please refer to the previous chapter on **Access to Library Services**.)

The facility is a major part of the customer experience at the library and should be evaluated as part of the library's commitment to quality customer service.

Safety and security are paramount in any public facility. Libraries are no exception. Every effort must be made to create a safe and secure environment for the staff and public. Holding regular fire, “Code Adam” (MissingKids.com/CodeAdam) and similar drills is not just a best practice; it is essential for the maintenance of a safe facility.

In fulfilling the board's charge to create a sustainable library designed to respond to future community needs, you have a significant opportunity to demonstrate your stewardship of the organization through facility decisions. These are decisions likely to impact the community for generations to come. Through passage of library policy that institutionalizes green cleaning procedures to improve indoor air quality for library workers and patrons, all the way up to ensuring a major expansion project or new construction of a library facility is done with an eye towards sustainable design, the library board's decisions tell the story of what kind of organization you are. Libraries interested in a systematic way to operate their facility in a more sustainable way may be interested in the New York Library Association's Sustainable Library Certification Program (<http://www.nyla.org/sustainability>)

Sometimes the library can only meet community needs by adding to, or reconstructing, existing space or building an entirely new facility. This will lead to a complex and extensive planning process that may require the board to seek the services of a consultant or library system staff. Construction plans should always be developed in the context of the library's mission and plan of service. The board should review service needs, explore alternatives, estimate costs, and set priorities; all before deciding on a specific building plan to pursue. Community involvement in the planning process is crucial to its success.

Major library construction projects should pursue the maximum achievable levels of sustainable design. Very early in project planning, to ensure high return on investment, library boards should prioritize creating healthy, energy efficient facilities that respect the use of our natural resources. Seeking certification for your project through proven programs such as the U.S. Green Building Council's Leadership in Energy & Environmental Design (LEED) program (<https://new.usgbc.org/leed>), is one of the most visible, responsible ways to show the community the library board is committed to good stewardship.

Similar certification programs include Green Globes (<https://www.thegbi.org/green-globes-certification/>), the Living Building Challenge (<https://living-future.org/lbc/>) and Passive House (<http://www.phius.org/home-page>).

Trustees must understand that the planning and implementation process for library construction will require a major effort on the part of the board, the library director and the staff; including many meetings, reports, and reviews. Travel to inspect other library buildings and consultation with library system staff should be part of this process. Planning will take many months and delays should be expected.

Nonetheless, in spite of all the hard work, a building program may not meet with the approval of the community and necessary funding may not be readily available. In such cases the board must stay focused on the need to provide quality library service to the community and appropriate facilities for the library. Active planning for the future must continue.

Renovation or reconstruction of existing space carries an additional set of challenges. The library may have to move to temporary facilities, which means relocating staff and materials. If the library remains open for business during construction, trustees should be sensitive to the added stress this will place on the director, staff and the library's patrons. Temporary service policies or exceptions to existing policies may be required. Excellent communication and an unusual degree of flexibility will be essential.

Resources:

- Basic Facility Plan Outline [Mid-Hudson Library System]: (<http://midhudson.org/wp-content/uploads/2015/04/Facility-Plan-Outline-2.docx>)
- Facility Resources [Mid-Hudson Library System] <http://midhudson.org/topics/director-resources/facilities/>
- State Aid for Library Construction <http://www.nysl.nysed.gov/libdev/construc/index.html>
- Sustainable Library Certification Program [New York Library Association] <http://www.nyla.org/sustainability>

- *Webinar: Building for your Future* [New York State Library]
<http://www.nysl.nysed.gov/libdev/trustees/webinars.htm#160602>

Related Policies and Documents:

- Accessibility / ADA Statement
- Community Survey
- Emergency Plan (including disaster recovery and active shooter procedures)
- Environmental
- Inclement Weather/Closing
- Long Range Plan
- Meeting Space/Equipment
- Technology Plan
- Workplace Safety (including Fire Safety)

TECHNOLOGY

Technology continues to transform library service delivery and impact public perception of modern public libraries. The escalating change technology brings shows no sign of abating. Indeed, to remain relevant, the library must assume a leadership role in the utilization of technology within its community. Technology is not an end unto itself. Its wise use, along with a professional and well-trained staff, brings the best tenets of library service to everyone in your community.

Access to technology of all types can have a tremendously positive impact on your community. Increased access to information and education through electronic resources can extend, supplement and, in some cases, replace traditional print materials. The provision of robust high-speed broadband connectivity to the Internet provides the social and economic connections necessary in modern life. Your library's website and mobile app, if well designed, can streamline the online patron experience and maximize their access to the myriad of resources available to them. By featuring technology and skill development to which residents might otherwise never have access (such as coding and 3D printing), tech-based programming can spark and satisfy curiosity while preparing your community for the new economy. Current, relevant and innovative technology can strengthen a library's ability to connect with those they serve and remain relevant to the community.

This level of service requires both a staff who are comfortable and confident with technology and an institutional focus on the digital literacy skills of library users. Directors must select, and library boards must hire, staff capable of learning and teaching evolving technology tools to their patrons. Meeting and exceeding public expectations requires a library to be on the cutting edge.

As we look to the future, we can't forget the basics: library automation is essential; up-to-date computers, printers and scanners are critical; and adequate bandwidth is a fundamental expenditure that libraries should plan to expand as necessary.

Boards must budget for equipment replacement and broadband connectivity on a regular basis. The practical lifespan of a computer workstation is about three years and funds must be available to replace it when it becomes obsolete.

It is wise for the board to approve a technology plan for the library to integrate technology into the delivery and improvement of public library services to meet the needs of your community. The sample components of a technology plan, as well as a Technology Plan Template, are available at: <http://midhudson.org/topics/resource-sharing/technology-operations/technology-plan/>

Internet access in particular raises issues of privacy, intellectual freedom and censorship. Education Law §260 (12) requires every library to have an Internet use policy. Such policies must comply with state and federal laws regarding privacy issues. Libraries must be ready to address the concerns raised by members of their community, as well as the challenges presented by laws such as the Children’s Internet Protection Act (CIPA), which requires libraries to filter Internet access if they accept federal e-rate funds to reimburse local Internet connectivity costs. Useful guidance is available through the ALA’s “*Libraries and the Internet Toolkit*” (<http://www.ala.org/advocacy/intfreedom/iftoolkits/litoolkit/internetusepolicies>).

Resources:

- Broadband for All [New York State] <http://www.ny.gov/programs/broadband-all>
- E-rate (Universal Service for Telecommunications Discounts Program) for Libraries <http://www.nysl.nysed.gov/libdev/univsvc/index.html>
- Libraries and the Internet Toolkit [American Library Association] [ALA.org/advocacy/intfreedom/iftoolkits/litoolkit/internetusepolicies](http://www.ala.org/advocacy/intfreedom/iftoolkits/litoolkit/internetusepolicies)
- Pew Internet & American Life Project [PewInternet.org](http://www.pewinternet.org)
- Technology Plan [Mid-Hudson Library System] midhudson.org/topics/resource-sharing/technology-operations/technology-plan/
- Technology Planning (New York State Library) <http://www.nysl.nysed.gov/libdev/univsvc/tchplnqu.htm>

Related Policies and Documents:

- Internet & Wireless Use
- Library Equipment Usage
- Technology Plan

PUBLIC RELATIONS AND ADVOCACY

As the citizen control over the public library, the board of trustees has a responsibility for telling the library's story to the taxpayers, donors and funding bodies that support it. Even the best programs and services are of limited value if people don't know about them. It is important to keep in mind that residents are more likely to support programs they understand, value and use. As leaders in the community, trustees must be prepared to discuss the importance of the library at every opportunity.

What's your “why”? Personal connections and word-of-mouth are proven to be the most effective way to connect residents with the value of the library. How effectively do you speak not just about *what* the library offers but *why* the library offers the services and programs it does? Do you have a personal story of why the library is important to you or your family, or to another resident whose life was changed for the better? Work to get very good at telling the story of why the library is important since this will truly resonate with your listeners. Ensure you can deliver this "why statement" or "elevator/parking lot speech" concisely, so you will grab your audience's attention and effectively make your point.

Beyond word-of-mouth, there are numerous ways to reach the public. The board should budget for at least one print mailing to the entire area served by the library. The required annual report to the community may be a smart choice for that mailing. Utilize both print and electronic newsletters. Brochures with basic information (such as: “Where is the library?” and “How to get a library card”) are required under Education Commissioner's Regulation § 90.2. Develop a website worthy of being called your online branch. Have a social media presence on Facebook, Twitter and other outlets. Ensure that patrons can access library services through their mobile devices. And don't forget routine press releases and public service announcements for the newspapers, radio and television stations in your region.

There are always new and creative ways to get the word out and the library must *relentlessly* work to connect with the community to ensure a maximum number of residents understand the value of the services you provide.

Public relations also involve partnerships. Trustees should look for ways to form networks and coalitions. Many other organizations, such as the school district, service clubs, the chamber of commerce and local social service agencies have a vested interest in a strong and vital community library. Help others see how the library can help them reach their goals for the community.

The board should expect to see library staff deployed out into the community, not just in the library building. Often referred to as “embedded” librarianship, a staff presence in the community where residents work and play, is a smart way to connect to your patrons and position the library as a good partner in the community.

A critical aspect of public relations is legislative advocacy. Libraries can help elected officials understand the needs of a large portion of their constituents and should work proactively to invite legislators (local, county, state and federal) to the library. Elected officials should be on the mailing list for all library publications. Dynamic boards and trustees write, call and visit their elected officials frequently. Trustees are in a unique position to be effective in the governmental arena because they are citizen volunteers with no direct financial benefit from library funding decisions. Trustees keep the library's financial needs in front of elected officials. Of course, there are many other non-financial issues at the local, state, and federal level that affect libraries. Zoning ordinances, labor law, copyright, telecommunications rules, environmental regulations, censorship and many other issues can have an impact on libraries and trustees must ensure that the library's interests are well represented.

Many trustees support library advocacy through their active membership in the Library Trustees Association of New York State (LTA) (LibraryTrustees.org), the New York Library Association (NYLA.org), and New Yorkers for Better Libraries (<https://www.newyorkersforbetterlibraries.org>)

Resources:

- Advocacy Resources [United for Libraries] <http://www.ala.org/united/advocacy/>
- Advocacy University [American Library Association] <http://www.ala.org/advocacy/advocacy-university>
- New York Library Association <http://nyla.org/>

- New Yorkers for Better Libraries Political Action Committee
<https://www.newyorkersforbetterlibraries.org>
- Power Guide for Successful Library Advocacy [United for Libraries]
<http://www.ala.org/united/powerguide>
- Public Library Advocacy: Tools & Resources for Library Advocates [Public Library Association; Bill & Melinda Gates Foundation] PublicLibraryAdvocacy.org/
- Start with Why: “How Great Leaders Inspire Action” by Simon Sinek
http://www.ted.com/talks/simon_sinek_how_great_leaders_inspire_action?language=en

Related Policies and Documents:

- Public Relations (*including Social Media*)
- Website

LIBRARY FRIENDS AND FOUNDATIONS

Many libraries form a *Friends of the Library* organization to help achieve a variety of short and long-term goals. The role of a Friends Group is distinct from, but related to, the role of a board of trustees. The members are civic-minded people who know that quality library service is important to the life of a community and who are willing to volunteer their time and talents to help the library succeed.

Friends of the Library groups are independent organizations, separate and distinct from the library and the library board. While their purpose is support of the library, the “*Friends*” have a separate corporate existence. They should have a separate federal tax exemption and their funds should not be mingled with the library’s operating funds. Depending on local needs, *Friends of the Library* do many things:

- Create public support and awareness for the library and its programs;
- Raise money for capital campaigns or for direct gifts for items not in the library's own budget;
- Work for library legislation or increased appropriations;
- Sponsor and support library programs and events;
- Volunteer to work in the library or on specific tasks and projects.

The independent corporate and financial status of *Friends of the Library* can be especially helpful in fundraising and budget vote campaigns. A library cannot use public funds to influence the outcome of an election, but a Friends group may use funds they have raised, within the Grassroots Lobbying limits set by the IRS. (<http://www.irs.gov/pub/irs-tege/eotopicp97.pdf>.) They can pay for postage, mailings, and other publicity designed to create a favorable outcome in a library’s funding vote.

Friends of the Library can be valuable members of the library team when they are organized carefully and when their purpose is clearly defined and structured. Trustees provide citizen control and governance of the library as required by law. The library director manages the operations of the library. The *Friends of the Library* provides an opportunity for interested citizens to assist in developing the library in ways identified in consultation with the board and the director.

It is essential that all parties in this arrangement understand the responsibilities and the limits of their roles. Frequent, clear, open communication about needs and expectations is the key to a successful partnership between the board, director and Friends of the Library.

Library boards can do a number of things to help and support a Friends group:

- Be certain that there is a written policy statement about the Friends, their role and their relationship to the board of trustees (a sample operating agreement is available from United for Libraries: <http://www.ala.org/united/friends/orgtools>);
- Work with the Friends and the library director to be sure that Friends have clear and appropriate assignments and that their talents are being used well;
- Meet with the Friends board formally (perhaps semi-annually) to help the Friends plan and define their goals;
- Appoint a library trustee to act as liaison to the Friends board;
- Be open and welcoming to suggestions, questions and communications from the Friends;
- Have an annual joint meeting with the Friends to review the library's plan, budget and the Friends' role for the coming year;
- Ensure that the members of the Friends are routinely shown sincere appreciation for their efforts.

More information on library Friends groups is available through the American Library Association's *United for Libraries* (<http://www.ala.org/united/>). Information on New York Library Association's Friends of Libraries Section is available at: www.nyla.org/max/4DCGI/cms/review.html?Action=CMS_Document&DocID=144&MenuKey=fls

Library Foundations

Many of the state's largest libraries and a few smaller libraries as well, also utilize a library foundation to attract support. While the Friends may handle the "day to day" fundraising typical of libraries, foundations are generally established to solicit major contributions for capital projects or ongoing programs beyond the scope of normal library activities.

Foundations tend to be more sophisticated in their legal organization due to the number and variety of tax laws and regulations to which they are subject.

For these reasons libraries are advised to thoroughly research the pros and cons of establishing a foundation and to seek advice from similar libraries that have done so before embarking on such an endeavor. For more information visit the United for Libraries website (<http://www.ala.org/united/foundations/orgtools>).

Resources:

- Dolnick, Sandy. *Essential Friends of Libraries: Fast Facts, Forms, and Tips*. American Library Association, 2004.
- Friends & Foundations Fact Sheets [United for Libraries]
<http://www.ala.org/united/friends/factsheets>
- Friends of Libraries Section (FLS) [New York Library Association]
http://nyla.org/max/4DCGI/cms/review.html?Action=CMS_Document&DocID=144&MenuKey=fls
- Libraries Need Friends: Starting a Friends Group or Revitalizing the One You Have [United for Libraries]
<http://www.ala.org/united/sites/ala.org.united/files/content/friends/orgtools/libraries-need-friends.pdf>
- Sample Operating Agreement between the Friends and Library [United for Libraries]
<http://www.ala.org/united/friends/orgtools>

Related Policies and Documents:

- Friends Group Memo of Understanding

INTELLECTUAL FREEDOM, CENSORSHIP AND PRIVACY

Public libraries play a unique role in the support and preservation of democracy by providing open, non-judgmental institutions where individuals can pursue their own interests. To the extent that their budgets permit, libraries attempt to collect materials and information that represent varying points of view on controversial topics. But as the repositories of our culture, both the good and the bad, libraries sometimes contain information or ideas that are controversial or threatening to some people. Expressions of disapproval, dismay and even outrage over library materials are not uncommon, even though public libraries explicitly avoid doctrinal positions or the espousal of a particular point of view. As difficult as it may be in some cases, trustees must be very careful to separate their personal opinions from the philosophy of the library as an institution.

The first amendment to the Constitution of the United States of America guarantees freedom of speech, and the courts have long held that this guarantee extends to the right to receive information freely. Free access to information is the cornerstone of the American public library and trustees must ensure that their libraries have policies and procedures that prevent any form of censorship. Every person has the right to read, or not to read, any book; to view or listen to any media. The responsibility for children's reading and viewing falls to the parents, not the library.

The library board and director should adopt comprehensive collection development policies to guide the selection of materials. This policy should reflect the principles of the American Library Association's *Library Bill of Rights*, (p. 89) and *Freedom to Read Statement*: www.ala.org/advocacy/intfreedom/statementspols/freedomreadstatement.

Library access to the Internet raises a variety of challenging intellectual freedom issues. While the library has made a conscious choice to acquire the items in its collection, no such decision has been made about the resources on the Internet. The library merely provides an access point to billions of databases, Web pages, chat rooms and other resources without making a judgment about the reliability, accuracy or appropriateness of any of them.

The Internet is the broadest information resource available, and it belongs in every public library. However, the Internet also contains material that is illegal; material that is illegal for children but not for adults; and material that may offend community standards. Some very complex first amendment questions are at stake in public libraries' use and provision of Internet access. It is essential that every library adopt a carefully considered and judiciously written policy statement tailored to the library's own community (Education Law §260 (12)). This statement should include:

- The purpose of library Internet access;
- A disclaimer about the nature of the information on the Internet;
- Prohibitions against engaging in illegal activities or accessing illegal materials;
- Access allowances and restrictions, such as time limits, sign-ups, etc.;
- A statement of parental responsibility for children and children's access;
- Explanation of appropriate use;
- Penalties and consequences for misuse;
- Explanation of privacy issues;
- An explanation of filtering software, whether or not the library uses it.

Staff procedures should forbid any comment on patron choices and guarantee the privacy of patron information requests. The state's Library Records Law (Civil Practice Law and Rules (CPLR) § 4509) prohibits access to any information that links the name of a library user to any library material, information request, or any other use of the library, unless the library is presented with a subpoena or search warrant from an authorized legal entity. The library should have a Law Enforcement Inquiry policy to ensure compliance with the state law on patron confidentiality (guidance is available at: <http://midhudson.org/topics/director-resources/policies/policies-external/>).

Additional sources on intellectual freedom and privacy issues can be found through ALA at: www.ala.org/groups/committees/ala/ala-if and www.ala.org/groups/ifc-privacy-subcommittee.

A standardized procedure to handle patron complaints must be a component of the library's policies. Trustees must recognize and acknowledge a citizen's right to question any board action and every trustee must be willing to listen to challenges and explain the library's policies and the reasons for them. The board should project an open, concerned image without accommodating censorship demands. Responses to challenges must be rooted in the library's policies, regardless of the issue. No person or group should dictate what materials are suitable for others in the public library, nor should limitations be imposed based on the format of materials.

Censorship challenges can be difficult, but they are an inevitable consequence of the commitment to provide open and free access to all of the world's information resources. If a censorship issue arises, the library can obtain additional help and advice from the American Library Association's Intellectual Freedom Office (<http://www.ala.org/advocacy/intfreedom/>).

Resources:

- Intellectual Freedom and Censorship Q&A [American Library Association]
<http://www.ala.org/advocacy/intfreedom/censorshipfirstamendmentissues/ifcensorshipqanda>
- Law Enforcement Inquiry Policy Samples [Mid-Hudson Library System]
<http://midhudson.org/topics/director-resources/policies/policies-external/>
- Library Bill of Rights [American Library Association]
<http://www.ala.org/advocacy/intfreedom/librarybill>
- Office for Intellectual Freedom [American Library Association]
<http://www.ala.org/offices/oif>
- Privacy Toolkit [American Library Association]
<http://www.ala.org/advocacy/privacyconfidentiality/toolkitsprivacy/privacy>

Related Policies and Documents:

- ALA Library Bill of Rights
- Challenge of Library Materials
- Collection Development
- Copier/Copyright
- Exhibit/Posting
- Freedom to Read (ALA)
- Freedom to View (ALA)
- Fundraising/Gift Policy
- Law Enforcement Inquiry
- Lending Rules (including Non-Resident Borrowing)
- Local History
- Meeting Space/Equipment
- Patron Behavior/Code of Conduct
- Patron Complaints
- Patron Confidentiality
- Programming
- Weeding

BOARD DEVELOPMENT

Library boards are groups of volunteers working together to create a quality public library to meet the needs of their community. The board needs to deliberately develop itself into a dynamic, high-performing group through education, self-assessment and active recruitment. Your community deserves no less.

Trustee Education

Trustees must learn and grow during their entire tenure on the board, developing an ever-deepening awareness of the affairs of their own library and an appreciation and understanding of other libraries and library organizations. The public library is a multifaceted organization functioning in a complex world.

Though the first critical step in the learning process is the orientation of a new trustee, education cannot cease once a person has reached the board table. Board meetings can be an excellent forum for continuing education. Many boards set aside time at every meeting for a presentation or discussion of some aspect of the library's work or programs. Such a session might include a training webinar, an overview of a staff member's work responsibilities, a presentation by a representative of the public library system or simply a few minutes of philosophical discussion and reflection on the role and purpose of the library.

Trustees should seek out educational opportunities through their director from their public library system. Understanding the context in which your library operates and reviewing the roles and responsibilities of trustees, while having the opportunity to network with other trustees regionally, will greatly enhance your value as a local library trustee.

There is an extensive body of literature on trusteeship and board development, as well as public library operation and management. A small sampling is included in this Handbook. Trustees should also ask the library director to let them know about articles or books in all fields that may be helpful to an understanding of the library's affairs. The New York State Library has a number of webinars focused specifically on trustee issues (<http://www.nysl.nysed.gov/libdev/webinars>).

In addition to statewide organizations such as the Library Trustees Association of New York State (LTA), the New York Library Association (NYLA) and regional public library system support, many American Library Association divisions such as the Public Library Association and Library Leadership and Management Association, as well as United for Libraries, offer extensive resources for trustee education.

Outside the library field there are many organizations concerned with non-profit administration and management. BoardSource (BoardSource.org) and the National Council on Nonprofits (CouncilofNonprofits.org) are especially helpful and complement the governance of library organizations.

Workshops, conferences and webinars provide an excellent opportunity for continuing education, both from the program content itself and from the opportunity to meet and share experiences and ideas with other trustees. The Library Trustees Association of New York State sponsors an Annual Trustee Institute and most public library systems offer workshops and seminars specifically aimed at trustees. The annual New York Library Association Conference offers an excellent opportunity to learn about new developments, programs, and activities across the state. The Library Trustees Association of New York State always offers a special package of trustee-oriented programs within the NYLA conference. On a national level, United for Libraries offers a program track for trustees at the annual ALA Conference as well.

Financial constraints or the perception of public disapproval make some boards reluctant to approve dues, registration fees and travel expenses for continuing education. However, these expenses are essential to keep libraries alive and vibrant through a better-informed and more effective board and staff. Every library should have a written policy regarding staff and board training and budget sufficient funds each year to assure that both the library board and the library staff can take full advantage of educational opportunities and remain aware of new trends and best practices in the library world.

Effective and knowledgeable trustees undergo a constant process of growth and learning. Attending board meetings and voting on current questions is not enough.

Continuing education, for trustees as well as staff, represents an important investment in the library's future and demonstrates good stewardship of the organization by the board.

Board Evaluation

A healthy board will make the time to evaluate their own performance. This is an opportunity, just as the evaluation of the library director's performance is an opportunity, to celebrate what is going well and to find ways to course correct when something could be going better. The board should evaluate themselves against the duties and responsibilities found in this Handbook as well as the library's charter, bylaws, policies and procedures and strategic plans. Is the board moving the library forward? Are board operations streamlined? Is there additional education or support trustees need to feel confident and comfortable in their roles as public library trustees? There are sample board evaluation tools available in the *Resources* section at the end of this Chapter.

Recruitment of Trustees

While the trustees of all municipal, school district and special district libraries, as well as a growing number of association libraries, are elected by the public or appointed by an elected municipal body, most association libraries in New York still appoint their own board members. Therefore, an important part of every association library trustee's job is to be on the lookout for potential new board members who can help keep the library and the board strong and move it confidently into the future. A board should seek out and encourage qualified candidates who can complement board strengths or fill a gap in the current board's expertise. It is essential that board composition reflect the ethnic, racial, and cultural diversity of the community. A clear, generic trustee job description (such as found in the earlier chapter on **Trustee Duties and Responsibilities**) should always be available for interested persons and the news media.

When a potential trustee has been identified, he or she can be invited to board meetings to learn more about the library's governance. It is also important to bring such people to the attention of appointing authorities if the library is dependent on them for new trustees.

What are the qualifications for a library trustee? The most important qualification is a strong and genuine belief in public libraries and their mission in the community as centers for information, recreation, culture and lifelong education. Good library trustees are also good library patrons. A candidate must also be willing to devote appropriate time and effort to carrying out the duties and responsibilities of trusteeship. These duties will include regular attendance at board meetings, committee service and activities, visibility in the community on behalf of the library, and learning about the library and the social, legal and political context in which it exists.

Resources:

- American Library Association ALA.org
- BoardSource BoardSource.org
- Webinar: Board Evaluation (Helping All Trustees Succeed Mini-Webinar) <http://www.nysl.nysed.gov/libdev/trustees/webinars.htm>
- “Evaluating the State of the Library – Board Effectiveness” [Mid-Hudson Library System] <http://midhudson.org/topics/trustees/atb-evaluating-the-library-2/>
-
- Library Trustees Association of New York State (LTA) LibraryTrustees.org
- National Council on Nonprofits CouncilofNonprofits.org
- New York Library Association NYLA.org
- WebJunction [OCLC] WebJunction.org

Related Policies and Documents:

- Continuing Education

CONCLUSION

Libraries are essential to our citizens, to our communities and to our democracy. The local public library is a focal point for intellectual curiosity and learning in every New York community. It enhances the quality of community life while providing a path to success for many. As the most credible public institution in America today, it can be a critical leader in finding community-based solutions to local issues.

The American public library works because of dedicated volunteers willing to serve on the board of trustees. We thank you for your service and your dedication to ensuring all New Yorkers are empowered, engaged and energized by their library. The world is a better place for your efforts.

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Types of Libraries: A Comparison

	ASSOCIATION LIBRARIES	PUBLIC LIBRARIES		
		Municipal Public Library	School District Public Library	Special District Public Library
How Established	By vote of association members or as trustees operating under a will or deed of trust.	By vote of county, city, town or village board; or by petition and referendum.	By vote of school district voters.	By special act of State legislature and vote of special district voters.*
Charter	Regents incorporate by charter.	Regents incorporate by charter.	Regents incorporate by charter.	Regents incorporate by charter.
Registration	Education Department registers. Must meet minimum standards in order to receive public funds.	Education Department registers. Must meet minimum standards in order to receive public funds.	Education Department registers. Must meet minimum standards in order to receive public funds.	Education Department registers. Must meet minimum standards in order to receive public funds.
Tax Funds	May receive appropriation from units of government. Also tax levy by vote of municipal or school district voters. Library should sign contract with appropriating unit. May petition municipal and/or school district tax payers for funds.	Budget approved by county, city, town, or village board. Also tax levy by vote of municipal or school district voters. May petition municipal and/or school district tax payers for funds.	Budget approved by school district voters. May also petition for a tax levy from municipalities.	Budget approved by district voters. May also petition for a tax levy from municipalities, unless enactment legislation specifies otherwise.
Bonding Authority	Not permitted. Requires a special act of legislation through Dormitory Authority of the State of New York (DASNY)	Municipal government may bond if it owns the library building.	School district may bond on behalf of library. Library may bond via special legislation with the Dormitory Authority of the State of New York if it owns the building.	A municipality may bond on behalf of district if legislation allows.*

	ASSOCIATION LIBRARIES	Municipal Public Library	School District Public Library	Special District Public Library
Board of Trustees	Number: 5-25. Elected by association members. Term of office: set by charter. Responsible to association membership and to Regents. Residential requirements may be established in bylaws.	Number: 5-15. Approved by municipal governing board; term of office: three or five years if established after 1921.** Responsible to municipal government, public, and Regents. Must be residents of municipality (except village library).	Number: 5-15. Elected by school district voters. Term of office: three or five years (if established after 1921).** Responsible to school district voters and Regents. Must be residents of school district	Number: determined by enabling legislation. Elected by residents of special district. Term of office: five years or as defined by legislation. Responsible to special district voters and Regents. Residency requirements determined by enabling legislation.
Community Involvement	Public can join association and may vote for trustees.	Public "owns" library; votes for elected officials who are sympathetic to library needs.	Public "owns" library and votes directly for trustees and budget.	Public "owns" library and votes directly for trustees and budget.
Retirement Benefits	May purchase retirement benefits from private vendor. Some may be in State Retirement System if specified in statute.	State Retirement System benefits through municipality.	State Retirement System benefits through school district or independently	State Retirement System benefits if library district opts to participate.
Civil Service	Employees not covered by Civil Service.	Employees subject to Civil Service Law	Employees subject to Civil Service Law.	Employees subject to Civil Service Law

Types of Libraries – A Comparison

<http://www.nysl.nysed.gov/libdev/libs/pltypes.pdf>

LIBRARY BILL OF RIGHTS

The American Library Association affirms that all libraries are forums for information and ideas, and that the following basic policies should guide their services.

- 1. Books and other library resources should be provided for the interest, information, and enlightenment of all people of the community the library serves. Materials should not be excluded because of the origin, background, or views of those contributing to their creation.*
- 2. Libraries should provide materials and information presenting all points of view on current and historical issues. Materials should not be proscribed or removed because of partisan or doctrinal disapproval.*
- 3. Libraries should challenge censorship in the fulfillment of their responsibility to provide information and enlightenment.*
- 4. Libraries should cooperate with all persons and groups concerned with resisting abridgment of free expression and free access to ideas.*
- 5. A person's right to use a library should not be denied or abridged because of origin, age, background, or views.*
- 6. Libraries which make exhibit spaces and meeting rooms available to the public they serve should make such facilities available on an equitable basis, regardless of the beliefs or affiliations of individuals or groups requesting their use.*

Adopted June 18, 1948. Amended February 2, 1961, and January 23, 1980, inclusion of "age" reaffirmed January 23, 1996, by the ALA Council.

A history of the Library Bill of Rights is found in the latest edition of the [Intellectual Freedom Manual](http://www.ala.org/advocacy/intfreedom/iftoolkits/ifmanual/intellectual).
www.ala.org/advocacy/intfreedom/iftoolkits/ifmanual/intellectual

Although the Articles of the Library Bill of Rights are unambiguous statements of basic principles that should govern the service of all libraries, questions do arise concerning application of these principles to specific library practices. See the documents designated by the Intellectual Freedom Committee as [Interpretations of the Library Bill of Rights](http://www.ala.org/advocacy/intfreedom/librarybill/interpretations). www.ala.org/advocacy/intfreedom/librarybill/interpretations

SAMPLE BYLAWS

The material below is presented for illustrative purposes only. Each library should adapt their bylaws to suit their particular needs and circumstances. Bylaws must align with the library's charter and enabling legislation (if applicable). These bylaws are based on a typical association library legal structure.

MISSION STATEMENT

(Insert your Library's Mission Statement)

The _____ Library exists to provide quality service to the residents of _____ in an open and non-judgmental environment with free access to library materials in a variety of formats.

PREAMBLE

The Board of Trustees (hereinafter designated as the "Board") of The _____ Library, a corporation created under a charter granted under Section 253 of the New York State Education Law by the Board of Regents (or Secretary of State) of the State of New York, dated _____, shall be governed by the laws of New York State, the regulations of the Commissioner of Education and by the following bylaws.

BYLAWS

1. NAME OF ORGANIZATION

- a. The name of the organization shall be the _____ Library

2. PURPOSE

- a. The purpose of the organization is to provide superior library service to the residents, adults and children, of the communities of _____.

3. FISCAL

- a. The fiscal year of the library shall be the _____ year.

4. BOARD OF TRUSTEES

- a. The library shall be governed by a Board of Trustees. The Board shall consist of _____ members, elected for terms of _____ years each. *(Insert any particular language regarding areas of representation or method of election. The number of trustees must conform with the Library's charter.)* Newly elected members will take office at the first meeting following the annual meeting.
- b. Eligibility for office shall be limited to adults residing or owning property within the geographical limits of the library district.

- c. Absence from three consecutive meetings shall constitute automatic dismissal from the Board unless the Board defers this dismissal by majority vote. The President shall inform the absent Board Member in writing that he/she is no longer on the Board. If dismissal is deferred by Board action the President shall inform the absent Board Member in writing the conditions of this deferral.
- d. No member shall serve for more than two consecutive three-year terms. (*Refer to charter for local provisions*)
- e. Any vacancy shall be filled by special election by the remaining members of the Board for the remainder of the term of that particular position. (*Refer to charter for local provisions*).
- f. The Board may remove a Trustee for misconduct, incapacity, neglect of duty or refusal to carry into effect the library's educational purpose as provided in Education Law 226; subdivision 8.
- g. Each Trustee shall have one vote, irrespective of office held.
- h. A Trustee must be present at a meeting to have his/her vote counted.
- i. A majority of the whole Board (including vacancies) is required for any motion to pass.
- j. All actions of the Board shall be of the Board as a unit. No Board member shall act on behalf of the Board, on any matter, without prior approval of the Board. No Board member by virtue of his/her office shall exercise any administrative responsibility with respect to the library nor, as an individual, command the services of any library employee.

5. OFFICERS

- a. The officers of the Board shall be the President, Vice-President, Secretary and Treasurer, elected annually by the Board at the annual meeting. These officers shall serve for a period of one year or until their successors shall have been duly elected.
- b. The duties of such officers shall be as follows:
 - i. The **President** shall preside at all meetings of the Board, authorize calls for any special meetings, appoint all committees, execute all documents authorized by the Board, serve as an ex-officio voting member of all committees, and generally perform all duties associated with that office.
 - ii. The **Vice President**, in the event of the absence or disability of the President, or of a vacancy in that office, shall assume and perform the duties and functions of the President.
 - iii. The **Secretary** shall keep a true and accurate record of all meetings of the Board, shall issue notice of all regular and special meetings, and shall perform such other duties as are generally associated with that office.

- iv. The **Treasurer** (*Many public libraries must appoint an independent Treasurer who is not a member of the Board. See chapter on Board Organization.*) shall be the disbursing officer of the Board and shall perform such duties as generally devolve upon the office. In the absence or inability of the Treasurer, his/her duties shall be performed by such other members of the Board as the Board may designate.

6. DIRECTOR

- a. The Board shall appoint a Director who shall be the chief executive officer of the library corporation and shall have charge of the administration of the library under the direction and review of the Board. The Director shall be responsible for the care of the buildings and equipment; for the employment and direction of the staff; for the efficiency of the library's service to the public; and for the operation of the library under the financial conditions contained in the annual budget.
- b. The Director shall render and submit to the Board reports and recommendations of such policies and procedures, which, in the opinion of the Director, will improve efficiency and quality of library service. The Director shall attend all Board meetings except the portion of the meeting at which the director's appointment or salary is to be discussed or decided.

7. COMMITTEES

- a. A nominating committee shall be appointed by the President three months prior to the Annual Meeting who will present a slate of officers and names of candidates for new trustees. Additional nominations may be made from the floor.
- b. Committees for specific purposes may be appointed by the President. Such committees shall serve until the completion of the work for which they were appointed.
- c. All committees shall make a progress report to the Board at each of its meetings.
- d. No committee will have other than advisory powers unless, by suitable action of the Board, it is granted specific power to act.
- e. The President shall be, ex officio, a member of all committees.

8. MEETINGS

- a. Meetings shall be held each month, the date and hour to be set by the Board. Written notice of all meetings shall be mailed by the Secretary to each member at least five days before the meeting.
- b. A special meeting of the Board may be called at any time by the President or upon the request of three members for a specific purpose. No business may be transacted at such special meeting except the stated business.

- c. The Annual Meeting shall be held in _____ of each year. The business transacted at this meeting shall include the election of new trustees and new officers.
- d. The operating and financial reports for the previous year shall be presented at the regular meeting in January.
- e. The preliminary budget for the subsequent calendar year, required for submission to the _____ voters, shall be presented at the regular meeting in _____.
- f. The final budget for the subsequent calendar year shall be presented for approval at the regular meeting in _____.
- g. A simple majority of the whole Board (including vacancies) shall constitute a quorum for the conducting of all business. A majority of the whole Board (including vacancies) is required for any motion to pass. If a quorum is not present at a regular meeting, the attending members may set a date for another meeting to be held within one week, and the presiding officer shall notify the absent members of this specially called meeting.
- h. The order of business for regular meetings shall include, but not be limited to, the following items which shall be covered in the sequence shown unless circumstances make an altered order more efficient:
 - i. Call to Order and roll call of members
 - ii. Pledge of Allegiance
 - iii. Adoption of Agenda
 - iv. Approval of prior Meeting Minutes
 - v. Period for public expression
 - vi. Correspondence
 - vii. Personnel Actions Report
 - viii. Treasurer's report
 - Report of receipts and disbursements
 - Warrants
 - Presentation of projected cash flow
 - ix. Director's and Department Heads' reports
 - x. Committee Reports
 - xi. Old Business
 - xii. New Business
 - xiii. Period for public expression
 - xiv. Dates of future board meetings
 - xv. Other Business
 - xvi. Adjournment

9. AMENDMENTS

- a. Amendments to these Bylaws may be proposed at any regular meeting and shall be voted upon at the next regular meeting. Written notice of the proposed amendment or amendments shall be sent to all absent members at least ten days prior to the voting session. A simple majority of the whole Board (including vacancies) shall be sufficient for adoption of an amendment.
- b. Any rule or resolution of the Board, whether contained in these Bylaws or otherwise, may be suspended temporarily in connection with business at hand, but such suspension, to be valid, may be taken only at a meeting at which two-thirds of the members of the Board shall be present and two-thirds of those present shall so approve.

10. PROCEDURE

- a. All procedures not specified herein shall be in accord with Robert's Rules of Order, Revised.

Approved by the _____ Library Board of Trustees

Dated: _____.

All public libraries in New York State are required to make their Bylaws easily accessible to the public, including posting them on the library's website. (Education Department Regulations (8 NYCRR) § 90.2)

The Role of the Public Library Treasurer

Background Information and FAQs

Also view: [The Public Library Treasurer: Their Role and Legal Responsibilities](#)

Though there have been recent efforts to clarify the role of the “Treasurer” in New York State public libraries much confusion still exists. This document is intended to assist public library boards to comply with the law, understand “best practices” and adhere to established accounting standards in order to protect their public funds.

Please Note: This document is for advisory purposes only and should not be considered as legal or accounting advice. As always, consult with your Library attorney and independent auditor to determine the best policies and practices for your particular institution.

Background Information

The [Handbook for Library Trustees of New York State 2018 edition](#) states:

*“The office of **Treasurer** varies greatly, depending upon the library’s legal structure. **School district and most special legislative district libraries** must appoint (hire) an independent Treasurer who is not a member of the Board. Under the provisions of Education Law § 259 (1) (a) this independent officer reports to the board and is responsible for the receipt and disbursement of tax monies after Board approval.*

Special legislative district libraries should refer to their enabling legislation for clarification. In the case of school district libraries, the school district treasurer is required to act in this capacity unless the library board appoints its own Treasurer.

Municipal libraries that exercise their right under Education Law § 259 (1) (a) to request their tax appropriations be paid over to the library are strongly advised to appoint an independent Treasurer. In the case of municipal libraries where tax funds are held, and invoices are paid by the municipality, the Treasurer of the municipality serves in this capacity.

The State Comptroller has repeatedly opined that the doctrine of ‘incompatibility of office’ applies to school district, municipal and special legislative district libraries (according to their enabling legislation). This is often applied to the appointment of a board member to the office of Treasurer.

In such cases it is considered a best practice to appoint (hire) an independent Treasurer and appoint a trustee as the board's 'Finance Officer' who would oversee the regular audit of claims, chair the board budget committee and otherwise serve in such a capacity.

Association libraries are not governed by these restrictions and may appoint a trustee as Treasurer to oversee the receipt and disbursement of library funds, report to the board and otherwise fulfill the duties of Treasurer." (P.25-26.)

In recent audits that focused on the functions of the Treasurer, the Office of the State Comptroller noted:

A school district public library board of trustees has the power to appoint library officers and employees, including a library treasurer. The treasurer is responsible for depositing and disbursing library funds, maintaining appropriate accounting records and providing a monthly treasurer's report to the board. Because the typical duties of a library treasurer include the custody and disbursement of public funds, they carry with them a high degree of public trust.

New York State Public Officers Law requires public officers to take and file an oath of office prior to performing their official duties.

[Middle County Public Library; 2016]

Bank reconciliations should be prepared by an employee or official who is independent³ of the Library's accounting functions and does not have access to cash. Where it is not possible to segregate these duties, a supervisor, or a designated Board member, should review accounting entries and bank reconciliations on a monthly basis.

³ An employee or official who is independent of the Library's accounting functions does not have the ability to record receipts, disbursements or journal entries in the financial system.

The Board should:

- 1. Ensure that bank reconciliations are performed by someone who is independent of the accounting functions.*
- 2. Designate a Board member or Library official who is independent of the accounting function to review bank reconciliations.*
- 3. Require the Treasurer to provide bank reconciliations and supporting documentation with the Treasurer's monthly report to the Board.*

[Shelter Rock Public Library; 2015]

Frequently Asked Questions

What are the typical duties of a public library Treasurer?

The Treasurer is a separate officer of a public library corporation and is appointed by the Board of Trustees. They are required to take an Oath of Office and perform their duties as defined in state law. **Association Libraries are not covered by this law and may appoint a trustee to serve as Treasurer.** *Special Library Districts are advised to refer to their enabling legislation.*

The public library Treasurer is responsible for depositing and disbursing library funds, maintaining appropriate accounting records and providing a monthly Treasurer's report to the board. Typical duties include:

- Reconciliation of bank statements
- Preparation of Monthly Report to the Board of Receipts & Disbursements
- Signing checks for payment after Board approval
- Oversight of Investments

What duties should the Treasurer not perform?

The Treasurer should be independent of the Library's accounting functions and should not have the ability to record receipts, disbursements or journal entries in the financial system.

May a Board member serve as library Treasurer?

Association Libraries may allow a Library Trustee to perform the duties of a Treasurer. Public (i.e. Municipal, School District and some Special District) libraries must appoint an independent Treasurer to oversee the receipt and disbursement of the public library's funds. Special Library Districts are advised to refer to their enabling legislation.

Public library boards are still required to provide fiscal oversight of the Library. Though a trustee may not serve as Treasurer it is still best practice to designate a board member as "Finance Officer" or such similar title, to thoroughly review all the library financial statements and expenditures prior to the Board meeting. At every Board meeting all trustees should review the monthly financial reports and expenditures, including the warrants/vouchers. Remember, every member of the board has a fiduciary responsibility to the community.

Is a public library Board required to appoint a Treasurer?

School district libraries- The Treasurer of the local school district is required to serve as Treasurer of the school district library. However, the school district library is authorized by law to appoint their own Treasurer, should they desire. (Education Law § 259.1a)

Special district library- Generally Special District Libraries are required to appoint a Treasurer unless otherwise specified in their enabling legislation.

Municipal library- In many cases the Treasurer of the municipality serves as the Library Treasurer. This would be typical of a municipal Library where the municipality (Village, City, Town or County) maintains control of the expenditure of Library funds. In cases where the municipality transfers control of such funds to the Library, the Board should appoint an independent Treasurer in order to fulfill its fiduciary responsibilities. (www.osc.state.ny.us/localgov/audits/libraries/2015/walworthseely.htm)

Can the Board appoint a staff member to the position of Treasurer?

Yes, however, in order to comply with the accounting principle of “*segregation of incompatible duties*”¹ such a staff member may not:

- Have access to cash
- Record receipts or disbursements
- Record journal entries in the financial system.

What is the relationship between the Treasurer and the Director?

The Board appoints the Treasurer, as they do the Library Director. As an “officer of the Board,” the Treasurer answers directly to the Board of Trustees and serves at their pleasure. Therefore, to avoid conflict, it is “best practice” not to call on a library staff member for this function but to use a community member with expertise in finance and bookkeeping practices. Generally this is a paid position but there is no stipulation against using a community volunteer. As a Board Officer this position is not covered by the classified/competitive sections of New York State Civil Service Law.

Who typically serves as an independent Library Treasurer? How much work is involved?

Many municipalities and special districts in New York State require a separate Treasurer. Quite often libraries utilize the services of qualified individuals who serve in this capacity for their local fire district, water district, school district or other municipality. The job generally requires a few hours two or three days per month. The Treasurer must prepare a report of receipts and disbursements along with statement of bank account reconciliations. The Treasurer is not required to attend the Board meeting, but certainly may do so at the pleasure of the Board.

¹ For detailed explanation of this concept see: **Office of the New York State Comptroller. The Practice of Internal Controls. 2010. p.3:** <http://osc.state.ny.us/localgov/pubs/lgmng/practiceinternalcontrols.pdf>

Can the Board appoint an independent accounting firm or CPA?

According to the Office of the State Comptroller (OSC) the Library Board has the power to appoint the Treasurer, who serves as an officer of the library corporation. Recent audits have stated that the Treasurer must be an individual appointed by the Board who takes an Oath of Office. <http://www.osc.state.ny.us/localgov/audits/libraries/2016/middlecountry.htm> (p.4.). It appears therefore, in order to comply with current OSC opinions it would be necessary to appoint a specific member of the selected firm to serve in the capacity of Library Treasurer.

Is an Oath of Office required for the Treasurer?

Yes. The Treasurer is an Officer of the Library Corporation and is therefore required to take an Oath of Office. <https://www.dos.ny.gov/corps/oath.html>

Can anyone else sign checks?

Yes. The Board may appoint an Assistant Treasurer. Please note: It is also common practice that two Board members are designated as check signers. Though we have found no specific guidance from OSC, this practice certainly complies with the principle of “segregation of incompatible duties”, unless of course, the individual Trustees are the recipients of any such checks.

What should the Treasurer’s Report contain?

The Treasurer’s monthly Report to the Library Board should show the reconciliation of all bank statements and report actual revenues and expenditures compared to the Library budget. This summary report should not be confused with the detailed monthly line item financial report from the Library’s business office.

The Treasurer prepares a monthly report on bank reconciliations and overall revenues and expenditures. Can the Library staff prepare the detailed monthly budget report?

Yes. Under the direction of the Library Director the Library’s business staff should prepare a monthly report on the revenues and expenditures on a line item (detailed) basis as compared with the Library’s annual budget and year-to-date expenditures and encumbrances for Board review. This should reconcile with the independent Treasurer’s summary report to the Board.

Who should open the bank statements?

The Library Treasurer must have access to the original bank statements in order to prepare the monthly Board report. This function may be delegated to staff or an independent accounting firm who do not have access to cash nor the ability to record receipts, disbursements or journal entries in the financial system www.osc.state.ny.us/localgov/audits/libraries/2015/shelterrock.htm (p.2). However, it is the Treasurer’s responsibility to oversee this process and prepare the Board report.

Must the Treasurer attend Board meetings?

No, unless required to do so by the Board. However, a Treasurer's Report must be presented at the meeting and reviewed by the Board.

Is the treasurer a voting member of the board?

No.

Must the Treasurer physically deposit, transfer and invest funds? Or may they "oversee" this function?

The Treasurer is "responsible" for such actions. Though they may not personally perform such transactions they must be aware and oversee the process. The principle of "*segregation of incompatible duties*" should always be considered in the handling of library assets.

Should the Treasurer be bonded?

Yes! As should other staff with the responsibility for handling public and private funds on behalf of the Library.

We are a very small library with limited staff and resources. We simply cannot afford to hire the additional staff to fully meet these requirements. What should we do?

As custodians of public funds it is the library board's responsibility to provide fiscal oversight of the Library. Every reasonable effort should be made to comply with the guidelines provided by OSC. Where full compliance is not practical the Board is advised to closely follow the accounting principles of "*segregation of incompatible duties*" in the handling and reporting of the Library's assets. The advice of an independent Certified Public Accountant (CPA) should be sought to assist the Board in such a situation.

For further information:

Office of the New York State Comptroller. Local Government Links:

<http://www.osc.state.ny.us/localgov/pubs/listacctg.htm#ic>

The Practice of Internal Controls:

<http://osc.state.ny.us/localgov/pubs/lmgm/practiceinternalcontrols.pdf>

Bank Reconciliations: <http://osc.state.ny.us/localgov/pubs/techbull/0403.pdf>

Investing and Protecting Public Funds:

<http://osc.state.ny.us/localgov/pubs/lmgm/investingpublicfunds.pdf>

Creating the Future: a 2020 Vision and Plan for Library Service in New York State

Excerpts Relating to Public Libraries

Introduction

In April 2010, the New York State Board of Regents challenged the library community to rethink the State's vast array of library services to ensure that they are aligned with modern expectations and the expanded functions needed in today's society, operate with improved efficiency, and are prepared for the future as an essential and vibrant part of the State's educational infrastructure.

Working through the Regents Advisory Council, library users, trustees, and staff have spoken out with regard to their libraries, offering not only affirmation of the importance of libraries, but also numerous suggestions for progress and models of success.

Libraries – An Investment in Our Future

Libraries provide the physical and virtual spaces that are an integral part of an overarching system that provides continuous opportunities for learning from birth to senior age. By offering all New Yorkers the opportunity to acquire the knowledge they need to be informed and engaged participants in an open democracy, libraries empower individuals. Library "profit" is demonstrated through both the promotion of economic enterprise and the social return on investment.

Libraries continue to undergo tremendous transition as they move to virtual services in response to changes in technology and the expectations of their patrons, and as they facilitate not only the use of existing information, but also production of new information through online communities and efforts to preserve local history.

One significant change is the increasing convergence among traditionally different types of libraries in the services they offer. Such convergence includes online access to digital resources, the re-tasking of library space, the need for staff skilled in virtual librarianship and collaborative learning, as well as more customary types of service.

Because of the continuing centrality, complexity and diversity of today's knowledge creation and information distribution environments, it is important that our students and residents be equipped with both print and digital literacy skills -- how to find, evaluate, and effectively use information from a variety of sources and formats. Literacy -- and in particular digital literacy -- lies at the heart of the mission of all libraries.

Regardless of the many levels of technological change, libraries remain the embodiment of Americans' "right to educate themselves," a critical necessity in a knowledge economy where everyone must relentlessly improve their skills throughout their lifetime. The library is what makes lifelong learning for all residents both possible and practical, including, and perhaps especially, for those with special challenges such as the disabled, homeless and economically disadvantaged. People unable to respond to new challenges and invest in their own abilities are likely to become an economic liability, unable to participate fully in society.

Libraries continue to represent a community investment in a vision of a better tomorrow through sharing information, knowledge and, hopefully, wisdom. They are the repositories for the collective memory of our communities, our state, and our nation, and offer us an institution that reflects the American dream of self-help and equity.

Today's libraries are busier and more vibrant than ever because of, not in spite of, the dramatic impact of digital technology. But even though they have a well-established and well respected brand, libraries suffer from outdated public attitudes based on misperceptions that are limited to their traditional roles, stereotypes and the constant assault of competing commercial information providers.

Universal Recommendations – For All Libraries

The themes of Access, Information Literacy and Sustainability are woven through all libraries in our state and nation. Though each serves its unique community, all share these values.

Models for Success:

Over six decades ago the State of New York outlined its vision for universal access to information for all residents through its creation of library systems. This remarkably successful model has evolved to embrace nearly all the libraries within our state, creating a framework and foundation for the fulfillment of this dream. The notion that any and every child or adult may follow their curiosity to its fullest extent, accessing resources from around the world, is today a reality for most, but not all, of our state's residents. Vibrant libraries of all types, enjoying the robust support of their community or constituency and working in partnership with their library system and its collaborative systems are able to bring these resources into their communities. We have the potential to fulfill this vision for all.

Recommendations:

To assure that tomorrow's libraries continue to be a vibrant and vital part of all New Yorkers' lifelong learning experience, all libraries must:

- Improve the marketing of library services to all clientele and communities by rebranding libraries while addressing the erroneous perceptions about the need for libraries in a digital world. (1)

- Develop better tools for advocacy, and identify library champions at all levels of governance: university and school boards, town and city management, State Education Department, Board of Regents, New York State Legislature and Executive branch. (2)
- Collaborate to integrate services and collections of all types of libraries while developing a transparent and seamless world of library services that are ubiquitous and instantaneous, yet personalized and flexible, serving all ages and needs. (3)
- Seek operational and cost efficiencies in light of technological opportunities, energy efficient facilities, and online service delivery methods. (4)
- Develop economic justifications for the investments that governments, communities, individuals and philanthropic organizations are asked to make in libraries, and enhance the role of libraries as economic drivers for their communities. (5)
- Recruit technologically savvy staff and train current staff in virtual librarianship while influencing higher education to appropriately educate tomorrow's service providers. (6)
- Function at the front lines of e-resources (including e-books) purchasing, licensing, digital rights management, digital curation, resource-sharing, and preservation; and advocate for the delivery of open content as embodied in initiatives such as the [Digital Public Library of America](#) or the [Berlin Declaration on Open Access to Knowledge in the Sciences and Humanities](#). (7)
- Actively address issues concerning the privatization of information and its impact on traditional models of library services, defending residents' rights to free access, free lending and the inter-sharing of materials among libraries. (8)
- Create collaborative partnerships with all cultural and educational organizations in the state to offer our residents the most comprehensive educational opportunities available anywhere in the world. (9)

Public Libraries

Public libraries provide services that cannot be replicated elsewhere. They provide residents the right to free and equal access to information, a right now under duress with the development of commercial information services. Some of these commercial services are free but of questionable quality; others of high quality but high price; and others are comprised of collections that are no longer owned, but rented. Libraries provide a guide through such a maze of misinformation for the average citizen. They are a beginning point for early childhood literacy, a center for each community's history and culture, a key to the American dream for immigrants, and much more. The public values its libraries as a meeting place, a community center, and a learning place. Residents desire more business hours; more traditional resources such as children's programs and print books; and more e-resources such as electronic books.

Public libraries are also digital knowledge centers for communities, ensuring residents' equal access to technology. This is especially true as the state transitions to e-government and many residents do not have access to the computers and broadband connectivity. In many areas, especially rural areas, the public library is the only source of broadband internet connectivity for the entire community.

The quality of public library service remains unequal across the state. Reasons for this include community wealth, legal structure and lack of political support.

Models for Success:

Public libraries reflect the highest ideals of the communities they serve. The best public libraries are places where the love of learning is instilled at the youngest age and intellectual curiosity encouraged for all. They provide a path to navigate life's challenges and help new Americans assimilate. As community centers they actively encourage civic engagement and cultural awareness while remembering the past by the preservation of community history. They actively strive to provide access to their facilities and their resources to all residents, especially for those who are physically or mentally disabled, economically disadvantaged or otherwise facing unique challenges in today's competitive world. Their success is grounded in their basis as a truly democratic institution, governed and supported by the people they serve.

Recommendations:

The Board of Regents and State Education Department should formulate policy and support initiatives that will encourage:

- The further proliferation of the Regents' Public Library District Model to enable all public libraries to become fully funded and governed through citizen participation and public vote. (23)
- All public libraries to proactively create and collect local content and serve as a catalyst for civic engagement to promote civil discourse and confront society's most difficult problems. (24)
- Collaboration with other libraries and community organizations to develop seamless information literacy initiatives, promote cultural understanding and protect local historical and cultural treasures. (25)
- Support state and national digital literacy learning initiatives providing this 21st century skill to people of all walks of life, not just those enrolled in schools and colleges. (26)
- The provision of robust early childhood education programs and the provision of homework assistance as a core service; the alignment of outreach services with societal priorities, such as teen services and gang prevention. (27)
- The provision of full access to library services by people with disabilities, including accessible buildings, homebound services, and assistive technology. (28)
- Investment in public library facilities in order to be able to respond to the changing needs of communities -- rewiring of older buildings, creation of larger meeting spaces and small meeting rooms, flexible storage solutions so that libraries can adjust as print to e-format ratios change and energy efficiency improvements to keep operating costs down. (29)

The full Report may be found at: <http://www.nysl.nysed.gov/libdev/future/index.html>

Public Library Trustee Ethics Statement

Official Statement from United for Libraries

Public library Trustees are accountable for the resources of the library as well as to see that the library provides the best possible service to its community.

Every Trustee makes a personal commitment to contribute the time and energy to faithfully carry out his/her duties and responsibilities effectively and with absolute truth, honor and integrity.

- Trustees shall respect the opinions of their colleagues and not be critical or disrespectful when they disagree or oppose a viewpoint different than their own.
- Trustees shall comply with all the laws, rules and regulations that apply to them and to their library.
- Trustees, in fulfilling their responsibilities, shall not be swayed by partisan interests, public pressure or fear of criticism.
- Trustees shall not engage in discrimination of any kind and shall uphold library patrons' rights to privacy in the use of library resources.
- Trustees must distinguish clearly in their actions and statements between their personal philosophies and attitudes and those of the library, acknowledging and supporting the formal position of the Board even if they disagree.
- Trustees must respect the confidential nature of library business and not disclose such information to anyone. Trustees must also be aware of and in compliance with Freedom of Information laws.
- Trustees must avoid situations in which personal interests might be served or financial benefits gained as a result of their position or access to privileged library information, for either themselves or others.
- A Trustee shall immediately disqualify him/herself whenever the appearance of a conflict of interest exists.

- Trustees shall not use their position to gain unwarranted privileges or advantages for themselves or others from the library or from those who do business with the library.
- Trustees shall not interfere with the management responsibilities of the director or the supervision of library staff.
- Trustees shall support the efforts of librarians in resisting censorship of library materials by groups or individuals.

Signature _____ Date _____

Approved by the United for Libraries Board in January 2012

Downloadable version:

<http://ala.org/united/sites/ala.org.united/files/content/trustees/orgtools/Ethics%20Statement.pdf>

Working Together: Roles & Responsibilities Guidelines

	Library Director	Trustees	Friends
General Administrative	Direct responsibility for administration of the library within the framework of the board's plan, policies and budget. Reports at each board meeting and in other ways keeps the board informed of library's progress and problems.	Recruit and employ a qualified library director; maintain an ongoing evaluation process for the director. Routinely keep in touch with what is going on through director's reports, personal use of the library and feedback from the public.	Support quality library service in the community through fundraising, volunteerism and serving as advocates for the library.
Policy	Apprise board of need for new policies as well as policy revisions. Implement the policies of the library as adopted by the board.	Identify and adopt written policies to govern the internal and external operations of the library.	Support the policies of the library as adopted by the library board.
Planning	Coordinate and implement a strategic plan with library board, Friends, staff and community.	Ensure that the library has a strategic plan with implementation and evaluation components.	Provide input into the library's strategic plan and support its implementation.
Fiscal	Prepare an annual budget for the library in consultation with the board; make the Friends aware of the special financial needs of the library. Decide on use of money on the basis of the approved budget.	Secure adequate funds to carry out library operations. Assist in the preparation and presentation of the annual budget. Authorize expenditures in accordance with the budget.	Conduct fundraising to support the library's mission and plans.

	Library Director	Trustees	Friends
Advocacy	Promote the mission of the library within the community. Educate the library board, Friends and community regarding local, state and federal issues that impact the library.	Promote the mission of the library within the community and in society in general.	Promote the mission of the library within the community. Advocate for the library to legislators.
Meetings	Participate in library board and Friends meetings. Ensure that there is a liaison from the board to the Friends and vice versa.	Participate in all board meetings. Follow Open Meetings Law. Appoint a liaison to the Friends Board and become a member of the Friends.	Maintain a liaison to the library board.
Networking	Encourage trustees and Friends to join state and national professional organizations and make them aware of educational opportunities.	Join the New York Library Association (NYLA), Library Trustees Association of New York and United for Libraries (ALA). Attend continuing education sessions at the public library system.	Join Friends of Libraries Section (NYLA) and United for Libraries (ALA). Attend continuing education sessions at the public library system.

Adapted from Working Together: Roles and Responsibilities Guidelines developed by the Connecticut State Library, Connecticut Library Association, Association of Connecticut Library Boards, and Friends of Connecticut Libraries and the Handbook for New Public Library Directors in New York State.

Civil Service 101 for Public Library Trustees

Three of the four types of public libraries fall under New York State Civil Service Law:

- Municipal Public Libraries
- School District Public Libraries
- Special Legislative District Public Libraries

****Association libraries do not fall under Civil Service Law***

What is Civil Service?

Civil Service governs the hiring, promotion and firing of employees. Under New York State Civil Service Law, “appointments and promotions... shall be made according to merit and fitness to be ascertained, as far as practicable, by examination which, as far as practicable, shall be competitive...”

What is the point of Civil Service?

- Test for merit and fitness in an objective way.
- Encourage promotion from within.
- Provide career ladders for employees.

Who administers Civil Service?

Civil Service is administered by “commissions” that are geographically located throughout New York State. Each commission has authority over those practices of institutions within its service area. The commissions are commonly county based, in larger cities there may be a Civil Service Commission specific to that city.

If the board is hiring a new library director, do Civil Service practices need to be followed?

Yes.

Does Civil Service dictate the salary we must pay a new director?

No.

How is a new director appointed?

Boards will need to reach out to their local Civil Service Commission to discuss the process. This position will fall into the competitive class. Your process will likely follow the following pattern:

- Candidates must meet the minimum qualifications for the position.
- Candidates must receive a passing score and be reachable* on an eligible list. (*See “Rule of Three” below).
- Candidates that are reachable must respond positively to a canvass letter.

- The board must select a new director from the pool of available candidates identified through the canvassing process. The board should use an interview process and use any legal selection criteria amongst those deemed eligible to make their selection.
- Once a selection has been made, the candidate of choice must be appointed “from the list.”
- The person selected must complete a probationary period. The length of this probationary period is determined by the local Civil Service Commission.

Can we appoint an interim director while conducting a search for a new director?

Yes, it is possible for an interim director to be named through the temporary hire option. Please contact your local Civil Service Commission for their temporary hire process.

Is there a residency requirement for candidates to be eligible?

Possibly. You will need to check with your local Civil Service Commission.

What is the “Rule of Three”?

This is actually referred to as the “Rule of One of Three,” and means that you may choose to appoint any one of the three candidates certified by the local Civil Service Commission as “standing highest on such eligible list and who are willing to accept the appointment.” To fully understand the “rule of three”, it is necessary to understand Zone Scoring. When eligible lists are established, grades will be presented in zones. Final scores will be round numbers such as 100, 95, 90, etc. This scoring method creates a significant number of tie scores. Every candidate within the same zone has equal standing on the eligible list. Zone Scoring in no way alters the Rule of Three; appointing authorities must still select from among the three highest scoring candidates, and not the three highest scores. Please contact your local Civil Service Commission for questions about implementing the Rule of Three.

What do we do if there is no eligible list to hire a new director from?

Your first step would be to contact your local Civil Service Commission to find out when the next test will be offered to gauge the timeframe for your process.

- **If a test will be offered within an acceptable time span to meet your needs**, advertise the test opportunity along with your job opening to encourage candidates to become eligible.
- **If a test will not be offered within an acceptable time span** you can provisionally appoint a candidate of your choice with the understanding that once the test is offered this person must take the test and score high enough to be reachable to keep their job.

What questions are asked on the exam for library directors?

The exam for directors is not a traditional “exam” as you may envision it. It is called a “training and experience” exam, or “T&E” exam, and is basically a form that asks questions about a candidate’s education and experience relevant to the job specifications.

What job protections are offered to employees under Civil Service Law in New York?

Section 75 of the Civil Service Law provides due process in removal and other disciplinary actions to every post-probationary permanent employee. Due process will include a hearing at which the employee must be proved guilty of misconduct or incompetence. Library collective bargaining agreements may modify these procedures.

For more information:

- “*A Library Worker’s Guide to Civil Service in New York State*,” New York Library Association.
https://www.nyla.org/max/4DCGI/cms/review.html?Action=CMS_Document&DocID=2444&MenuKey=career
- “*Field Guide for Libraries Subject to Civil Service*”, New York Library Association.
https://www.nyla.org/max/4DCGI/cms/review.html?Action=CMS_Document&DocID=1982&MenuKey=nomenucms
- New York State Department of Civil Service. <https://www.cs.ny.gov/commission/>

Thanks to Tracey McShane, Personnel Administrator for the Bethlehem Public Library & Geoffrey Kirkpatrick, Director of the Bethlehem Public Library and Chair of the New York Library Association Taskforce on Civil Service for their assistance on this topic.

Sample Planning Process Outline

This 5-step planning process helps a board identify long-range and strategic goals based on community needs.

1. Develop a board vision. Have a frank conversation at a special planning meeting to discuss your hopes, dreams and concerns for the future of the library and the community. Understanding where everyone is coming from and finding the commonalities amongst yourselves will help as you move forward in this process. The next steps in the process will help test the board's perceptions and create a unified board vision; but if you don't have this conversation first, it will be difficult to work as a group once the findings are in.

2. Assessment. Identify local usage trends through library circulation, program and technology usage data. Are there things the community is looking for that you are not or unable to provide at this time? Are there things the community clearly wants more of? Less of? Comparing the library to others with similar budgets or service populations can be a useful planning activity to benchmark capacity. The New York State Library provides a compilation of financial and service statistics through its website at: <http://www.nysl.nysed.gov/libdev/libs/index.html#Statistics>. Here you can find recent and historical data for all public libraries in the nation.

3. Gather input from your community. *Talk to your community. Listen to what they have to say.* Do not skip this step, it is absolutely critical to the future success of your library. Use a combination of focus groups or community conversations interviews with community opinion leaders, and surveys to get a broad amount of input, from both library users and non-users, which will help the board to identify community trends, aspirations and priorities. Do not ask them what the library should be doing, that is your job and the job of your library director and staff to determine. What you should be talking to them about is what they are experts in: their vision for the future of their family and neighbors in the community you serve. To fully comply with New York State Minimum Public Library Standards the board must periodically seek community input in the development and evaluation of its service program. The library director or library system will be able to offer strategies for the effective use of focus groups and community surveys.

- Your library may find the American Library Association's Libraries Transforming Communities initiative' Turning Outward resources (<http://www.ala.org/transforminglibraries/libraries-transforming-communities>) a good fit to use during this process with your community.

- Examples of community surveys can be found on the website of the Mid-Hudson Library System: <http://midhudson.org/topics/trustees/#Planning>
4. **Analyze what you have learned.** Examine the assessment and community input information. Then use a “SOAR” analysis to identify the library’s strengths, opportunities, aspirations and results. This will help your organization to focus on current strengths and a vision for the future of developing your strategic goals. The basic questions to be answered are:
- What are our greatest strengths?
 - What are our best opportunities to help our community reach their aspirations?
 - What is our preferred future?
 - What are the measurable results that will tell us we’ve achieved that vision of the future?
5. **Assess your library’s capacity. Using the lens of the strategic goals developed in step 4, examine your library’s ability to move forward in the direction you have set for the library. Consider** the areas of:
- Personnel
 - Finance
 - Facility
 - Policy
 - Partnerships
 - Governance
 - Marketing & Public Relations
 - Measurement & Evaluation

Through these five steps your board and staff will have the information you need to create and write a solid plan for the future of the library.

Recommended Policies Checklist:

External

Circulation

- Customer Service
- Patron Confidentiality
 - Law Enforcement Inquiry
- Lending Rules
 - Non-Resident Borrowing

Collection

- Collection Development
 - Weeding
- Censorship:
 - Challenge of Library Materials
 - Freedom to Read (ALA)
 - Freedom to View (ALA)
- Copier/Copyright
- Local History

Public Space

- Accessibility/ADA Statement
- Exhibit/Posting
- Incident Report Form
- Meeting Space/Equipment
- Patron Behavior/Code of Conduct
- Patron Complaints
- Programming
- Tutoring
- Unattended Children
- Vulnerable Adults

Technology

- Library Equipment Usage:
 - Computers
 - Printers
 - Devices
 - 3D Printer

- Internet Use
- Wireless Use
- Website
- General Data Protection Regulation

Internal:

Board

- Code of Ethics/Conduct
- Conflict of Interest
- Continuing Education
- Meeting Procedures
 - Public Expression
- Removal of a Trustee

Administrative

- Business Continuity Plan
- Environmental
- Inclement Weather/Closing
- Public Access to Records (FOIL)
- Public Relations (including Social Media)
- Records Retention

Financial Controls

- Audit/Review Schedule
- Claims Audit Process
- Credit Card
- Disposition of Surplus Property
- Friends Group Memo of Understanding
- Fund Balance & Reserve Funds
- Fundraising/Gift
- Investments
- Inventory/Fixed Assets
- Online Banking & Wire Transfers
- Petty Cash
- Purchasing/Procurement
- Travel & Conference

Personnel

- Attendance/Leave
- Code of Conduct
- Computer/Internet/Email/Social Media Use
- Continuing Education
- Discipline/Termination
- Equal Employment Opportunity
- Evaluation Procedure
- Grievance Procedure
- Harassment
- Jury Duty
- Nepotism
- Orientation
- Outside Employment
- Personnel Records Access
- Probationary Period
- Recruitment/Hiring
- Salary/Benefits
- Volunteers
- Whistleblower Protection

Safety

- Emergency Plan
 - Disaster Recovery
 - Active Shooter Procedures
- Fire Safety

- Opioid Prevention Measures
- Workplace Safety/Violence Prevention

This Policy Checklist is offered as a guideline of typical public library policies. Though terminology may vary, every library board is required to adopt appropriate policies for their institution (8 NYCRR § 90.2).

For helpful information on developing policies, libraries are encouraged to contact their public library system.

In addition:

- Library Trustees Association of New York State: Policy Database
<http://librarytrustees.org/policies.php>
- Mid-Hudson Library System: Public Library Policies - Development Tips & Samples
<http://midhudson.org/topics/director-resources/policies/>
- New York Library Association: Sample Policies
http://www.nyla.org/max/4DCGI/cms/review.html?Action=CMS_Document&DocID=29&MenuKey=career

Public Library Glossary

This glossary presents a brief list of words and acronyms commonly used in public libraries in New York State.

3 R's: New York's nine Reference and Research Library Resources Councils. See: ESLN

Chapter 414 of the Laws of 1995: (municipal ballot option): State law that allows for voter funding initiatives for both association and public libraries. [Education Law §259 (1) (b)].

ADA (Americans with Disabilities Act): The ADA is considered to be the most comprehensive civil rights legislation since the Civil Rights Act of 1964, prohibits discrimination on the basis of disability in employment, state and local government services, public accommodations, commercial facilities, transportation and telecommunications. [Americans with Disabilities Act of 1990, Pub. L. No. 101-336]

ALA: American Library Association.

BIBFRAME (Bibliographic Framework): This is a data model for bibliographic description designed to replace the MARC standard.

BOCES: Boards of Cooperative Education Services.

Broadband: A general term referring to high speed telecommunications connections regardless of the medium (fiber optic, wire, cable or wireless) utilized.

Bullet Aid: Direct library funding, in addition to the basic state aid amounts approved as part of the NYS budget, which does not flow through traditional state aid formulas.

CBA: Central (Library) Book Aid.

Capital Funds: Funds for the acquisition of, or addition to, fixed assets such as buildings or major equipment. Often kept separate from annual operating funds.

Cataloging: The process of describing an item in a library collection and assigning it a classification (call) number.

Charter: The document of incorporation granted to a public or association library by the New York State Board of Regents. Libraries will first be granted a "provisional" charter. Once a library is registered and the library board has proven the stability of the organization, the State issues an "absolute" charter.

CIPA (Children’s Internet Protection Act): A federal law governing Internet access in schools and libraries. Compliance with CIPA is mandatory for eligibility for most e-rate subsidies and LSTA funding. [Children’s Internet Protection Act of 2000, Pub. L. No. 106-554]

Circulation: The process of lending library materials.

CLDA: Central Library Development Aid

Core Values of Librarianship: The Foundation of modern librarianship rests on an essential set of core values which define, inform, and guide all professional practice. These values reflect the history and ongoing development of the profession and have been advanced, expanded, and refined by the American Library Association:

- Access
- Confidentiality/Privacy
- Democracy
- Diversity
- Education and Lifelong Learning
- Intellectual Freedom
- Preservation
- The Public good
- Professionalism
- Service
- Social Responsibility

DLD (Division of Library Development): DLD is the division of the New York State Library within the State Education Department responsible for statewide library services and for the oversight of library funding and compliance with related State laws and Commissioner’s Regulations.

DPLA: Digital Public Library of America.

DRM (Digital Rights Management): DRM technology is used by hardware and software manufacturers, publishers and copyright holders with the intent to control the use of digital content and devices.

e-book: The electronic version of a print book or a book that is only available online.

Education Law 259.1: State law that determines tax support for libraries.

E-Rate: Federal program that provides discounts to libraries and schools for commercially available telecommunications services, Internet connectivity and internal connections.

ESLN: The Empire State Library Network: The statewide association of 3Rs Directors.

Free Direct Access: The ability to borrow library materials in person from a public library outside your community.

Friends of Libraries Section (FLS): Section of the New York Library Association that supports library Friends Groups.

GDPR: General Data Protection Regulation – this is a European Union law that can impact US libraries protection and privacy for patrons who may live both in the US and Europe

ILL (Interlibrary Loan): Interlibrary Loan is when one library lends materials to another library for its patron's use.

IMLS (Institute of Museum and Library Services): An independent federal grant-making agency dedicated to creating and sustaining a nation of learners by helping libraries and museums serve their communities.

ILS (Integrated Library System) / ILP (Integrated Library Platform): Integrated library (automation) systems provide libraries with a variety of integrated computerized functions – cataloging, circulation, online catalog, acquisitions, serials control and electronic resource management.

ISBN: International Standard Book Number.

ISSN: International Standard Serial Number.

LC (Library of Congress): The national library of the United States.

LTA (Library Trustees Association of New York State): New York's statewide association for library boards and trustees.

LLSA (Local Library Services Aid): The New York State aid program for local public libraries. Funds are distributed through the public library systems.

LSTA (Library Services and Technology Act): A long standing federal library aid program for libraries. Funds are used to support national initiatives through support of state programs and grants to libraries and library systems on a competitive basis.

MARC (MACHINE Readable Cataloging): MARC is a format for storing the bibliographic description of a book, serial, video, etc. on a computer. The MARC format is an international standard used by most libraries and library computer software vendors.

Mission Statement: A short statement of an organization's purpose, identifying the scope of its operations; what kind of product or service it provides; its primary customers or market; and its geographic region of operation.

National Library Service for the Blind and Physically Handicapped (NLS): A federal program through the Library of Congress that provides recorded digital books for the blind and those with physical disabilities.

Net Neutrality: The principle that internet service providers must treat all data on the internet the same, and not discriminate or charge differently by user, content, platform, website, application, type of attached equipment or method of communication.

NOVELNY (New York Online Virtual Electronic Library): A statewide program of the New York State Library that provides free public access to commercial databases and other electronic resources.

NYLA (New York Library Association): New York's statewide library association.

NYALS (New York Alliance of Library Systems): A coalition of public, school and 3Rs Systems in New York.

NYLINE: New York's Libraries Information Network listserv operated by the New York State Library. All are welcomed to join: <http://www.nysl.nysed.gov/libdev/nyline.htm>

NYSL: New York State Library.

OCLC: OCLC is a bibliographic utility used by nearly 27,000 libraries, archives and museums in 86 countries.

OGS (Office of General Services (NYS): Administers state procurement contracts for goods, services and technology.

OPAC (Online Public Access Catalog): A computerized catalog, which can be searched, edited and updated online. Many OPACS are now simply one module of an integrated library system.

OSC (Office of the State Comptroller): The State's chief fiscal officer who ensures that local governments, including public libraries, use taxpayer money effectively and efficiently

PILOT Payments (Payment in lieu of taxes): Payments granted to schools and libraries by regional authorities in exchange for real estate tax relief for the expansion of local businesses.

PLA (Public Library Association): A division of the American Library Association.

PLS: Public Library System or Public Library Section of the New York Library Association.

Provisional Charter: The initial incorporation document granted to a public library by the Board of Regents. Provisional charters are issued for five years. A library with a provisional charter may apply for an absolute (permanent) charter after meeting state standards and fulfilling registration requirements.

PULISDO: (Public Library System Directors Organization of New York State): The statewide association of Public Library System Directors.

Reference and Research Library Resources Councils: See 3Rs.

Regents: The Board of Regents of the University of the State of New York's responsibilities include chartering libraries and schools; appointing the Commissioner of Education; and oversight of all educational and cultural institutions.

RBDB (Regional Bibliographic Data Bases Program): State funds that may be used for a variety of purposes to benefit regional resource sharing technology in each NY3Rs region.

RAC (Regents Advisory Council): A standing advisory committee appointed by the Regents to review and advise the Board of Regents and SED staff on library issues and concerns.

Real Property Tax Cap: With some exceptions, the New York State Real Property Tax Cap limits the amount local government (including libraries) and most school districts can increase property taxes by two percent or the rate of inflation, whichever is less.

RFID (Radio-frequency Identification): A technology used to automate the handling of library materials.

Registration: The process by which libraries demonstrate compliance with Commissioner's Regulation 90.2. (Minimum Standards). A library must maintain its registration to collect local and state public funds.

SED (State Education Department): The state agency responsible for educational services, including libraries.

SLS (School Library Systems): Similar to public library systems, these 41 organizations exist in the BOCES and Big Five cities to promote resource sharing and library development in school libraries.

SLSA (School Library Systems Association, Inc.): The statewide organization for School Library System Directors.

State Aid: Education Law Article 5 includes provisions for state funding for libraries and library systems.

State Aid for Library Construction: Funds from an appropriation in capital aid for public library construction in the State Budget can provide matching funds for approved costs of broadband installation and in acquisition, construction, renovation, or rehabilitation of public libraries or public library system headquarters. (Education Law §273-a)

STEM: Science, Technology, Engineering & Math (aka STEAM: science, technology, engineering, art & math).

TBBL: The New York State Library Talking Book and Braille Library. <http://www.nysl.nysed.gov/tbbl>

TDD/TTY: Telecommunications devices for the hearing impaired.

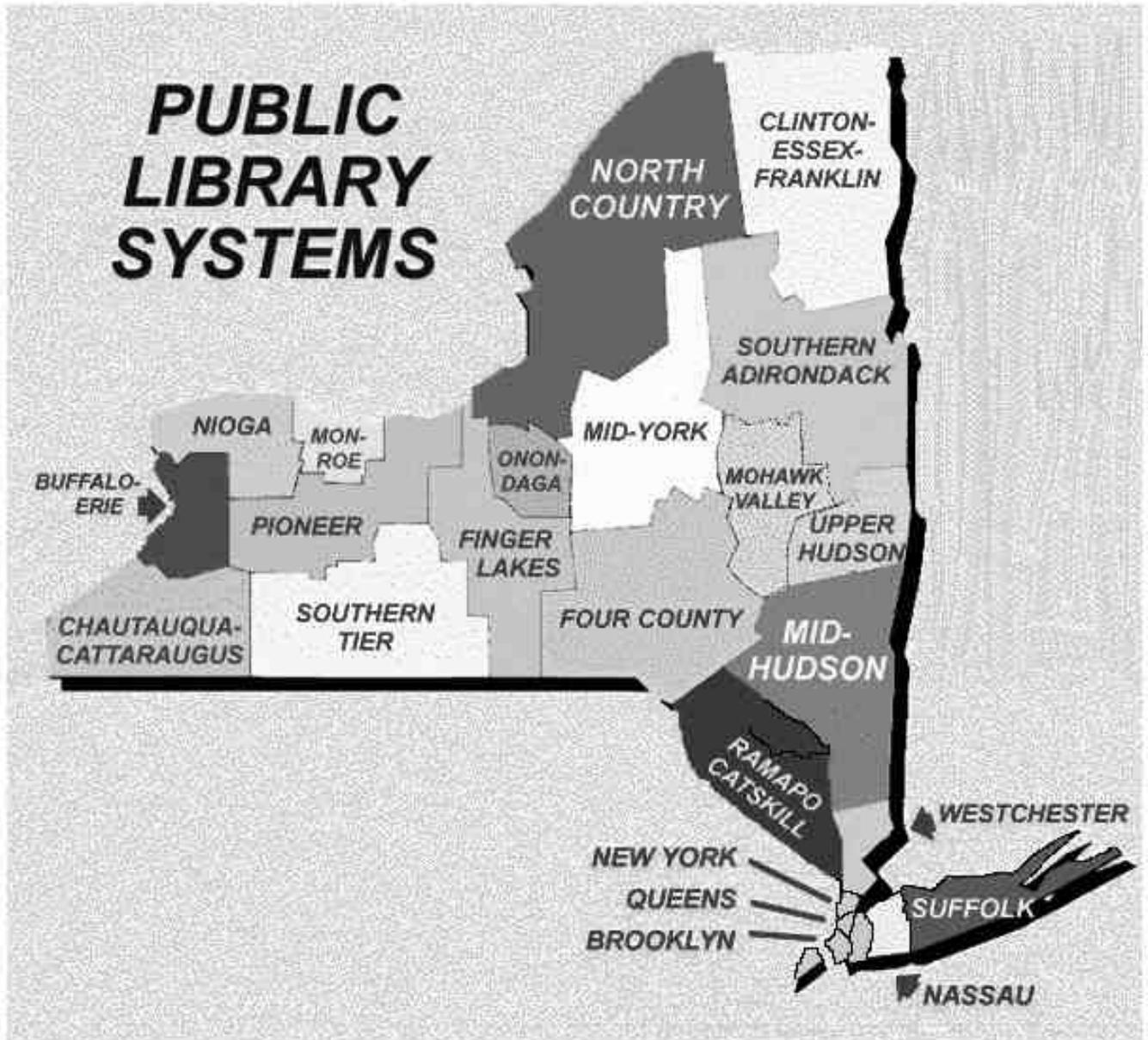
Union Catalog / County Catalog: Public library systems are mandated by the state to provide a "locator file" of the book holdings of the public libraries in their service area.

United for Libraries: A division of the American Library Association that provides support and networking for Library Trustees, Advocates, Friends and Foundations.

Unserved Area: Refers to regions of the state without a chartered and registered public library.

USA PATRIOT ACT / USA FREEDOM ACT: Federal legislation that, among many other provisions, governs access to library records in certain circumstances by law enforcement agencies.

Map of Public Library Systems in New York State



[Source: New York State Library, nysl.nysed.gov/libdev/libraries/publibs/1pls.htm]

Exhibit 'G'



Mount Vernon Public Library Summary Report - 09/07/21

DSJCPA has been engaged by Mount Vernon Public Library (“MVPL”) on July 7, 2021. We started our services on Tuesday, July 13, 2021 with our first visit to MVPL. In the short amount of time DSJCPA was able to complete a lot of work, as noted in our weekly status reports. Below is a summary of the Treasurer’s weekly status reports. The below summary mentions the large items that has been accomplished for the two engagements, the outsourced Treasurer position and the Phase I – 7 year bank reconciliations. We have also included all original weekly status reports at the end of this report.

I. Bank Reconciliations

a. The following bank accounts have been fully reconciled in QuickBooks Online and in Excel from July 2014 through June 2021:

1. Chase Checking (account ending x0794)
2. Chase Checking (account ending x1814) – Completed through 09/30/2015 but waiting on additional statements
3. Chase Savings (account ending x1316)
4. Sterling Municipal Checking (account ending x1401)
5. Sterling Municipal Checking (account ending x1101)
6. Chase Savings Account (account ending x5720) – Completed through 09/30/2015 but waiting on additional statements
7. Sterling (ending x8241) reconciled through 06/30/21
8. Chase Checking (x2150) – reconciled through 06/30/15
9. Sterling Checking (Account ending x0901) – This account is reserved for mainly debit card purchases. **Refer to the Challenges section for more information.**

ii. The following accounts are fully reconciled in Excel and partially reconciled in QuickBooks Online:

1. Sterling Check – Operating Account (ending x0601)
 - a. Account is currently reconciled in QuickBooks Online through May 2020.

b. Refer to Challenges section for more information

iii. Outstanding Bank Statements

1. I have drafted letters to the respective banks requesting all missing bank statements. The letters were sent to Trustee Gleason for her review and signature as of 8/4/2021.

2. **Refer to Exhibit A** for listing of outstanding bank statements.

b. Challenges related to Bank Reconciliations

i. During the reconciliation process the DSJ team, overseen by Anthony Condoleo, posted over **1,408 transactions** that were not in the general ledger for the seven year period spanning from 2014 – 2021. All items were posted to a **Suspense** account (until we can determine the proper allocation) or the correct general ledger account. The allocation will be completed during **Phase 2** of the engagement. Please see below for a breakdown of the transactions posted:

	SUSPENSE - DEPOSITS		SUSPENSE - GENERAL		SUSPENSE - DEBIT CARD ACTIVITY		OTHER	SUMMARY	
	TRANS.	AMOUNT	TRANS.	AMOUNT	TRANS.	AMOUNT		TRANS.	AMOUNT
FYE 2015	5	5,376.37	-	-	194	19,348.87	18	217	24,725.24
FYE 2016	-	-	-	-	305	24,150.41	17	322	24,150.41
FYE 2017	2	5,949.62	22	4,253.32	96	6,581.88	7	127	16,784.82
FYE 2018	38	62,129.14	14	66,919.29	-	-	41	93	129,048.43
FYE 2019	77	64,503.49	35	426,921.48	-	-	44	156	491,424.97
FYE 2020	84	550,497.52	45	1,291,546.49	1	(53.10)	66	196	1,841,990.91
FYE 2021	36	237,986.97	163	2,149,436.33	-	-	98	297	2,387,423.30
Total	242	926,443.11	279	3,939,076.91	596	50,028.06	291	1,408	4,915,548.08

ii. The payroll information for FY 2021 was never posted. DSJ posted all related payroll information in the **Suspense – General** account.

iii. All transactions posted into QuickBooks Online by the DSJ team are cash receipts and cash disbursements from the bank activity. We believe there are liabilities not posted in their proper periods as required by accounting principals generally accepted in the United States of America (“U.S. GAAP”).

iv. All transaction postings are the responsibility of the Chief Accountant Clerk (“CAC”), Mr. Marcus Griffith, per the MVPL accounting policy and procedure manual.

1. See Section II (e) – Mr. Marcus Griffith, Chief Account Clerk – Status Update for more detail.

c. During our reconciliation of the bank accounts and debit card purchases, we come across some questionable transactions that are not consistent with a library’s normal course of business. Additional follow-up with the Staff and Trustees is needed.

II. Treasurer

a. **Allied Universal Security Services Reconciliation**

- i. I have worked to reconcile the outstanding Accounts Payable balance to determine if all payments have been made or if the Library owes additional fees.
- ii. I was awaiting an outstanding invoice report per the vendor. This report was not received until late 8/05 and I am still in process of completing the reconciliation.

b. **Review of FY 2022 Budget**

- i. I met with the Director and performed an analysis of the budget for reasonableness
- ii. In my roles as treasurer I was tasked with completing an assessment of the budget to verify if it appeared reasonable and accurate. I utilized the prior year actual expenditures from the FY 2021 to determine if the budgeted numbers presented by Director, Mr. Timur Davis were reasonable.
- iii. Using the statement of activity directly produced from QuickBooks Online the actual expenditures, on a cash basis, which included the missing 163 transactions, for FY 2021 were approximately \$900k less than what was projected on the FY 2022 budget.
- iv. Based on my preliminary analysis I do not feel comfortable that the \$900k variance is complete and accurate due to the incomplete general ledger. As stated above the DSJ team posted an additional 1,408 transactions (of which 300 related to FY 2021). Also, for the transactions that were posted we have no basis to conclude if the items are posted to the correct GL accounts, making the statement of activity an ineffective tool to determine the budget's reasonableness.

v. Based on the lack of quality and complete information I cannot make an assessment of the accuracy of the budget at this time.

c. **Login access to 3rd party vendors:**

- i. I have assigned the task to Mr. Marcus Griffith for over a month and no progress has been made. When on site I met with Mr. Griffith to discuss and he provided major pushback, ultimately refusing to help. The list below encompasses all 3rd party vendors I require access to:
 1. Aflac
 2. Legal Shield
 3. Lighthouse
 4. TIAA-CREF
 5. Metlife

6. NY Life
 7. NYS Pension
 8. Dental Plan
- ii. On Wednesday, 8/4, when I was on site, I requested Mr. Griffith to add me to ADP's time and attendance program. Mr. Griffith first told me that he did not have the ability to add users and to speak with Ms. Doreen McQueen. When I asked Ms. McQueen, she instructed me approach to Mr. Griffith because he had access. I again approached Mr. Griffith and he did not grant me access to ADP Time and Attendance. ***Note – DSJ spoke to our ADP team that we work with on all clients and they informed us that it is not possible for ADP to provide us access to Time and Attendance. The only party that can do so is the administrator on the account, which would be Mr. Marcus Griffith. Writing a letter would do nothing to further this task.**
- d. **IRS Letters regarding Tax Status**
- i. I have requested all letters the Library has received from the IRS and have received only one letter from Mr. Griffith. We have not seen any notices, related to FY 2018 through FY 2021, other than the notification that the Library lost their tax-exempt status.
 1. Per the latest IRS letter the Library "has failed to respond to any of the IRS' previous letters."
 - ii. DSJ has reached out to the audit firm PKFOD for more information and assistance but have not heard back from them as of yet.
 - iii. For the Library to get their tax exempt status back, they must have their books and records fully reconciled and audit ready for all 7 years.
 1. This will be accomplished by DSJ in Phase 2 and 3.
 - iv. The Library will also be required to have an audit for all 7 years
 1. This will be performed by a independent third party, like PKFOD.
 - v. The Library will also, have to have all 7 years tax returns amended and/or filed.
 1. This will be performed by a independent third party, like PKFOD.
 2. DSJ can assist in gathering the required information in Phase 3.
 - vi. The Library will have to complete Form 1023 and file with the IRS.
 1. DSJ can provide assistance with this form after Phase 3.

Exhibit A
Missing Bank Statements

Chase Bank

- I. Chase Account #590161814
 - a. January 31, 2015
 - b. February 28, 2015
 - c. March 31, 2015
 - d. April 30, 2015
 - e. May 31, 2015
 - f. October 31, 2015
 - g. November 30, 2015
 - h. December 31, 2015
- II. Chase Account #590011316
 - a. February 28, 2015
 - b. March 31, 2015
 - c. April 30, 2015
 - d. October 31, 2015
 - e. November 30, 2015
 - f. December 31, 2015
 - g. January 31, 2016
 - h. February 28, 2016
 - i. March 31, 2016
 - j. April 30, 2016
 - k. May 31, 2016
 - l. June 30, 2016
- III. Chase Account #590165720
 - a. January 31, 2015
 - b. February 28, 2015
 - c. March 31, 2015
 - d. April 30, 2015
 - e. May 31, 2015
 - f. October 31, 2015
 - g. November 30, 2015
 - h. December 31, 2015
 - i. January 31, 2016
 - j. February 28, 2016
 - k. March 31, 2016
 - l. April 30, 2016
 - m. May 31, 2016
 - n. June 30, 2016

**Original
Weekly
Status
Reports**

Mount Vernon Public Library
Treasurer's Report
07/21/21

I. Timeline

- a. **07/06/21** - The Board of Trustees passed the resolution regarding the DSJ engagement letters for both the services of the bank reconciliations spanning from July 2014 through June 2021 and the temporary treasurer position.
- b. **07/13/21** - The first DSJ CPA onsite visit to the library including Anthony Carrella, Partner, Anthony Condoleo, Supervisor and Michael Williams, Senior Associate. The DSJ team had meetings with Executive Director, Timur Davis and Marcus Griffith, Chief Account Clerk. Gathered all available bank statements from the library for the periods noted above.
- c. **07/15/21** – Second DSJ CPA onsite visit including Anthony Carrella and Michael Williams. The DSJ team again held meetings with both the Timur Davis and Marcus Griffith regarding the different accounting processes and procedures for the library. DSJ gathered any additional bank statements that were not discovered during the visit on 07/13/21. Michael began an analysis of the June payment package to verify all checks have the proper supporting invoices and purchase orders.
- d. **07/20/21** – Third DSJ CPA onsite visit including Michael Williams only. Michael continued analysis of the June payment package. He also had a meeting with Marcus to discuss the July employee withholding payment process, gaining access to the necessary third-party vendors, and the status of the July payment package. As of end day, the July payment package was not completed and was to be provided by midday (approx. 12pm) as of 07/21. During the visit Trustee Marable also completed the signing of checks for the June payment package.

II. DSJ Progress

a. Bank Reconciliations

- i. All bank statements collected from library have been scanned into DSJ system and are now available electronically
- ii. There are several statements outstanding from Chase and Sterling National bank. DSJ has compiled a listing of the missing statements and has drafted letters to be sent to the banks requesting the statements.
- iii. **Bank Reconciliation Process** – DSJ staff members will first complete the bank reconciliations in Excel. Once completed they are then reviewed by Anthony Condoleo, Supervisor and then completed in QuickBooks Online by Anthony Condoleo. This allows multiple staff members to work on the accounts simultaneously while implementing a second level of review before entering the information into QuickBooks online.

- iv. Bank Stats:
 - 1. 12 Bank Accounts
 - 2. 657 Bank statements over 7 years collected from site and scanned into DSJ system
 - 3. Approximately 25 bank statements still outstanding
- v. **The following bank accounts have been fully reconciled in QuickBooks Online from July 2014 through June 2021:**
 - 1. Chase Checking (account ending x0794)
 - 2. Chase Checking (account ending x1814) – Completed through 09/30/2015 but waiting on additional statements
 - 3. Chase Savings (account ending x1316)
 - 4. Sterling Municipal Checking (account ending x1401)
 - 5. Sterling Municipal Checking (account ending x1101)
 - 6. Chase Savings Account (account ending x5720) – Completed through 09/30/2015 but waiting on additional statements
- vi. **The following bank accounts have been fully reconciled in Excel from July 2014 through June 2021:**
 - 1. Sterling (ending x8241) reconciled through 06/30/21
 - 2. Chase Checking (x2150) – reconciled through 06/30/15

b. Treasurer

- i. Conversion from QuickBooks Desktop to QuickBooks online as of 07/16
 - 1. Now have the ability to have multiple users in QuickBooks for a more efficient and streamlined process
 - 2. Marcus has shown willingness and ability to transition from the desktop version to QuickBooks Online
- ii. Payroll system
 - 1. The current time tracking and approval process for payroll does not appear to be in line with MVPL accounting policies and procedures. We are in the process of verifying these policies.
 - 2. Per section XIII of the accounting and procedures:
 - a. Manual timesheets are prepared by part-time staff on the approved form and submitted on a weekly basis, no later than the Tuesday following the Friday end of pay period
 - b. Timesheets to be kept by each part-time employee on a daily basis and complete in ink (or electronically)
 - c. Time sheets are signed and dated by the employee and the employee's supervisor for submission to Chief Account Clerk
 - d. Chief Account Clerk will process in timely manner
 - e. Admin assistant will record PTO time (vacation, sick,

iii. AP/Purchasing

1. Review of the June and July payment packages to verify the checks had proper supporting documentation (invoices, purchase orders) to substantiate the payment

iv. Login Credentials

1. DSJ worked with Marcus to gain access to 3rd party vendors in relation to employee withholdings through the online portal
2. Marcus has been instructed to contact the 3rd party vendors identified to provide DSJ access

III. Other

a. Payroll

- i. DSJ will need all memorandums and or resolutions that have altered or augmented the current Policy & Procedures manual.
- ii. Payroll is being processed and paid in the same week in which the pay period ends without a lag. DSJ will propose possible alternatives to the timing of payroll as it relates to the covered period.

a. Employee Retention Credit (ERC) - Further review of the ERC Credit is suggested to verify if MVPL qualifies for this 2020 and 2021 credit.

b. A/P Purchasing – DSJ is in the process of verifying the complete accounting process for purchases and payments to insure that they are in compliance with the policies and procedures manual. It appears that temporary processes may be in-place during the pandemic.



**Mount Vernon Public Library
Weekly Summary Report - 07/30/21**

I. DSJ Accomplishments

- a. Resolutions for Board Special Meeting
 - i. As treasurer, DSJ work diligently with Secretary Gleason, the Director, and the Chief Account Clerk to draft the updated resolutions to be presented at the Board's Special meeting on 07/29/21 for the following items:
 - 1. Transfer of funds,
 - 2. payroll for the next five pay periods (07/31/21 – 09/30/21), and
 - 3. the payment of the July payment package
- b. Phase 1: Bank Reconciliations Status:
 - i. **The following bank accounts have been fully reconciled in QuickBooks Online from July 2014 through June 2021:**
 - 1. Chase Checking (account ending x0794)
 - 2. Chase Checking (account ending x1814) – Completed through 09/30/2015 but waiting on additional statements
 - 3. Chase Savings (account ending x1316)
 - 4. Sterling Municipal Checking (account ending x1401)
 - 5. Sterling Municipal Checking (account ending x1101)
 - 6. Chase Savings Account (account ending x5720) – Completed through 09/30/2015 but waiting on additional statements
 - 7. Sterling (ending x8241) reconciled through 06/30/21
 - 8. Chase Checking (x2150) – reconciled through 06/30/15
 - ii. **The following accounts are currently being reconciled in Excel:**
 - 1. Sterling Check – Operating Account (ending x0601) – Completed through February 2019. DSJ is awaiting bank statement from Sterling to complete. Emailed Sterling bank representative on 7/30 requesting missing bank statements.
 - 2. Sterling Checking (Account ending x0901) – This account is reserved for mainly debit card purchases. DSJ has all the necessary information set up in the Excel reconciliations but does not have the proper supporting documentation (i.e. invoices) to allocate the expense to the correct GL

accounts. **This task is something to be resolved in phase 2 and will not be complete until then.**

- iii. Outstanding Bank Statements
 - 1. DSJ has drafted letters to the respective banks requesting all missing bank statements. Sent to Trustee Gleason for her review and signature.
 - a. Missing statements from Chase are not preventing us from completing our tasks, but for audit support purposes.
 - 2. **Refer to Exhibit A** for listing of outstanding bank statements

II. Challenges

- a. Login access to 3rd party vendors:
 - i. Michael has worked with Marcus Griffith to gain access to the 3rd party vendors responsible for employee benefits but were not successful
 - ii. Marcus needs to work to provide DSJ access to the following vendors:
 - 1. Aflac
 - 2. Legal Shield
 - 3. Lighthouse
 - 4. TIAA-CREF
 - 5. Metlife
 - 6. NY Life
 - 7. NYS Pension
 - 8. Dental Plan
- b. IRS Letters regarding Tax Status
 - i. DSJ has requested all letters the Library has received from the IRS but have not received any information, as of 7/30/2021.
 - ii. DSJ has reached out to the audit firm PKFOD for more information and assistance but the Mount Vernon Library team.

III. Tasks to be completed next week

- a. Reconcile outstanding AP balances for Alliant services
- b. Incorporate the payroll process as outlined in the MVPL Accounting and Procedures manual. This will include tracking of time with either time sheets or the clock system in the office
- c. FY 2022 Budget – Work with the Director to create an updated budget to ensure the budget reflects the addition of the part time workers set to join the library in December
- d. Continue bank reconciliation process from July 2014 – Jun 2021

Exhibit A

Chase Bank

- I. Chase Account #590161814
 - a. January 31, 2015
 - b. February 28, 2015\
 - c. March 31, 2015
 - d. April 30, 2015
 - e. May 31, 2015
 - f. October 31, 2015
 - g. November 30, 2015
 - h. December 31, 2015
- II. Chase Account #590011316
 - a. February 28, 2015
 - b. March 31, 2015
 - c. April 30, 2015
 - d. October 31, 2015
 - e. November 30, 2015
 - f. December 31, 2015
 - g. January 31, 2016
 - h. February 28, 2016
 - i. March 31, 2016
 - j. April 30, 2016
 - k. May 31, 2016
 - l. June 30, 2016
- III. Chase Account #590165720
 - a. January 31, 2015
 - b. February 28, 2015
 - c. March 31, 2015
 - d. April 30, 2015
 - e. May 31, 2015
 - f. October 31, 2015
 - g. November 30, 2015
 - h. December 31, 2015
 - i. January 31, 2016
 - j. February 28, 2016
 - k. March 31, 2016
 - l. April 30, 2016
 - m. May 31, 2016
 - n. June 30, 2016

Sterling Bank

- I. Sterling National Account #0601
 - a. July 31, 2015
 - b. January 31, 2019
- II. Sterling National account #0901
 - a. December 31, 2020
- III. Sterling National account #1401
 - a. December 31, 2020
- IV. Sterling National account #1101
 - a. December 31, 2020
- V. Sterling National account #0341
 - a. October 31, 2015
 - b. December 31, 2020
- VI. Sterling National account #0641
 - a. December 31, 2020



**Mount Vernon Public Library
Weekly Summary Report - 08/06/21**

I. DSJ Accomplishments

a. Phase 1: Bank Reconciliations Status:

i. The following bank accounts have been fully reconciled in QuickBooks Online and in Excel from July 2014 through June 2021:

1. Chase Checking (account ending x0794)
2. Chase Checking (account ending x1814) – Completed through 09/30/2015 but waiting on additional statements
3. Chase Savings (account ending x1316)
4. Sterling Municipal Checking (account ending x1401)
5. Sterling Municipal Checking (account ending x1101)
6. Chase Savings Account (account ending x5720) – Completed through 09/30/2015 but waiting on additional statements
7. Sterling (ending x8241) reconciled through 06/30/21
8. Chase Checking (x2150) – reconciled through 06/30/15
9. Sterling Checking (Account ending x0901) – This account is reserved for mainly debit card purchases. **Refer to the Challenges section for more information.**

ii. The following accounts are fully reconciled in Excel and partially reconciled in QuickBooks Online:

1. Sterling Check – Operating Account (ending x0601)
 - a. Account is currently reconciled in QuickBooks Online through May 2020.

b. Refer to Challenges section for more information

iii. Outstanding Bank Statements

1. I have drafted letters to the respective banks requesting all missing bank statements. The letters were sent to Trustee Gleason for her review and signature as of 8/4/2021.
2. **Refer to Exhibit A** for listing of outstanding bank statements.

b. Allied Universal Security Services Reconciliation

- i. I have worked to reconcile the outstanding Accounts Payable balance to determine if all payments have been made or if the Library owes additional fees.
- ii. I was awaiting an outstanding invoice report per the vendor. This report was not received until late 8/05 and I am still in process of completing the reconciliation.

c. Review of FY 2022 Budget

- i. I met with the Director and performed an analysis of the budget for reasonableness
- ii. Please see the challenges section below for more information regarding the budget

II. Challenges

a. Bank Reconciliations

- i. During the reconciliation process the DSJ team, overseen by Anthony Condoleo, posted over **1,408 transactions** that were not in the general ledger for the seven year period spanning from 2014 – 2021. All items were posted to a *Suspense* account (until we can determine the proper allocation) or the correct general ledger account. The allocation will be completed during *Phase 2* of the engagement. Please see below for a breakdown of the transactions posted:
 - 1. **Suspense – Deposits** – 242 transactions totaling \$926,443 (from all bank accounts) missing and posted by DSJ
 - a. FY 2015 – 5 transaction totaling \$5,376
 - b. FY 2017 – 2 transactions totaling \$5,949
 - c. FY 2018 – 38 transactions totaling \$62,129
 - d. FY 2019 – 77 transactions totaling \$64,503
 - e. FY 2020 – 84 transactions totaling \$550,498
 - f. FY 2021 – 36 transactions totaling \$237,987
 - 2. **Suspense – General** – 279 transactions totaling \$3,939,076.91 missing and posted by DSJ
 - a. FY 2017 – 22 transactions totaling \$4,253
 - b. FY 2018 – 14 transactions totaling \$66,919
 - c. FY 2019 – 35 transactions totaling \$426,921
 - d. FY 2020 – 45 transactions totaling \$1,291,546
 - e. FY 2021 – 163 transactions totaling \$2,149,436
 - 3. **Suspense – Debit Card Activity** – 596 transactions totaling \$50,028.06 missing and posted by DSJ

- a. FY 2015 – 194 transactions totaling \$19,349
 - b. FY 2016 – 305 transactions totaling \$24,150
 - c. FY 2017 – 96 transactions totaling \$6,582
 - d. FY 2020 – 1 transactions totaling \$53.10
4. **Posted to Proper GL Account** – 291 transactions including transfers of cash between MVPL bank accounts, interest income postings, and reversals of entries required to post entries in the correct period
- a. FY 2015 – 18 transactions
 - b. FY 2016 – 17 transactions
 - c. FY 2017 – 7 transactions
 - d. FY 2018 – 41 transactions
 - e. FY 2019 – 44 transactions
 - f. FY 2020 – 66 transactions
 - g. FY 2021 – 98 transactions

Summary Unposted/Missing MVPL Transactions by Fiscal Year

	SUSPENSE - DEPOSITS		SUSPENSE - GENERAL		SUSPENSE - DEBIT CARD ACTIVITY		OTHER	SUMMARY	
	TRANS.	AMOUNT	TRANS.	AMOUNT	TRANS.	AMOUNT		TRANS.	AMOUNT
FYE 2015	5	5,376.37	-	-	194	19,348.87	18	217	24,725.24
FYE 2016	-	-	-	-	305	24,150.41	17	322	24,150.41
FYE 2017	2	5,949.62	22	4,253.32	96	6,581.88	7	127	16,784.82
FYE 2018	38	62,129.14	14	66,919.29	-	-	41	93	129,048.43
FYE 2019	77	64,503.49	35	426,921.48	-	-	44	156	491,424.97
FYE 2020	84	550,497.52	45	1,291,546.49	1	(53.10)	66	196	1,841,990.91
FYE 2021	36	237,986.97	163	2,149,436.33	-	-	98	297	2,387,423.30
Total	242	926,443.11	279	3,939,076.91	596	50,028.06	291	1,408	4,915,548.08

- ii. The payroll information for FY 2021 was never posted. DSJ posted all related payroll information in the *Suspense – General* account. Being that the payroll was not posted to the general ledger, the appropriate reconciliation of the payroll on a quarterly basis in which the IRS Form 941s are tied back to the general ledger was not performed.
- iii. All transactions posted into QuickBooks Online by the DSJ team are cash receipts and cash disbursements from the bank activity. We believe there are liabilities not posted in their proper periods as required by accounting principals generally accepted in the United States of America (“U.S. GAAP”).

- iv. All transaction postings are the responsibility of the Chief Accountant Clerk (“CAC”), Mr. Marcus Griffith, per the MVPL accounting policy and procedure manual.
 - 1. See Section II (e) – Mr. Marcus Griffith, Chief Account Clerk – Status Update for more detail.
- b. During our reconciliation of the bank accounts and debit card purchases, we come across some questionable transactions that are not consistent with a Library’s normal course of business. Additional follow-up with the Staff and Trustees is needed.
- c. **FY 2022 Budget**
 - i. In my roles as treasurer I was tasked with completing an assessment of the budget to verify if it appeared reasonable and accurate. I utilized the prior year actual expenditures from the FY 2021 to determine if the budgeted numbers presented by Director, Mr. Timur Davis were reasonable.
 - ii. Using the statement of activity directly produced from QuickBooks Online the actual expenditures, on a cash basis, which included the missing 163 transactions, for FY 2021 were approximately \$900k less than what was projected on the FY 2022 budget.
 - iii. Based on my preliminary analysis I do not feel comfortable that the \$900k variance is complete and accurate due to the incomplete general ledger. As stated above the DSJ team posted an additional 1,408 transactions (of which 300 related to FY 2021). Also, for the transactions that were posted we have no basis to conclude if the items are posted to the correct GL accounts, making the statement of activity an ineffective tool to determine the budget’s reasonableness.
 - iv. **Based on the lack of quality and complete information I cannot make an assessment of the accuracy of the budget at this time.**
- d. **Login access to 3rd party vendors:**
 - i. I have assigned the task to Mr. Marcus Griffith for over a month and no progress has been made. When on site I met with Mr. Griffith to discuss and he provided major pushback, ultimately refusing to help. The list below encompasses all 3rd party vendors I require access to:
 - 1. Aflac
 - 2. Legal Shield
 - 3. Lighthouse
 - 4. TIAA-CREF
 - 5. Metlife
 - 6. NY Life

- 7. NYS Pension
 - 8. Dental Plan
 - ii. On Wednesday, 8/4, when I was on site, I requested Mr. Griffith to add me to ADP's time and attendance program. Mr. Griffith first told me that he did not have the ability to add users and to speak with Ms. Doreen McQueen. When I asked Ms. McQueen, she instructed me approach to Mr. Griffith because he had access. I again approached Mr. Griffith and he did not grant me access to ADP Time and Attendance.
- e. IRS Letters regarding Tax Status**
- i. I have requested all letters the Library has received from the IRS and have received only one letter from Mr. Griffith. We have not seen any notices, related to FY 2018 through FY 2021, other than the notification that the Library lost their tax-exempt status.
 - 1. Per the latest IRS letter the Library "has failed to respond to any of the IRS' previous letters."
 - ii. DSJ has reached out to the audit firm PKFOD for more information and assistance but have not heard back from them as of yet.
 - iii. For the Library to get their tax exempt status back, they must have their books and records fully reconciled and audit ready for all 7 years.
 - 1. This will be accomplished by DSJ in Phase 2 and 3.
 - iv. The Library will also be required to have an audit for all 7 years
 - 1. This will be performed by a independent third party, like PKFOD.
 - v. The Library will also, have to have all 7 years tax returns amended and/or filed.
 - 1. This will be performed by a independent third party, like PKFOD.
 - 2. DSJ can assist in gathering the required information in Phase 3.
 - vi. The Library will have to complete Form 1023 and file with the IRS.
 - 1. DSJ can provide assistance with this form after Phase 3.
- f. Mr. Marcus Griffith, Chief Account Clerk – Status Update**
- i. In the last month the DSJ team and I have observed Mr. Griffith's working habits and have noted the following:
 - 1. Mr. Griffith does not follow a set schedule and his hours do not reflect those a full time employee. On the team's first visit Mr. Griffith took an extended lunch break and did not

return to the office. On another occasion I was expecting Mr. Griffith to be on site at 9AM but he did not arrive in the office until 11AM.

2. Based on my experience, the Library can be considered a smaller company with low to mid-level volume activity occurring on a monthly basis. As a full time employee, Mr. Griffith should be able to complete all the necessary accounting tasks for the Library in a timely manner. In my experiences thus far, it is taking him an extended period of time to complete his daily tasks. For example, Mr. Griffith explained to me it was going to take him almost a full day to complete the payment of the employees' pension, when in my experience it should take a maximum of 1-2 hours. From what I can surmise, Mr. Griffith is tasked with monthly write-up of the Library's activity which includes, but not limited to: posting of monthly cash activity and proper allocation to the general ledger accounts, processing of payroll, payment of employee benefits, and monthly bill payments (and gathering of supporting documentation to be presented to the board). Entering all transactions into QuickBooks Online (formerly QuickBooks Desktop). Working a complete 40 hours a week Mr. Griffith should be able to complete these tasks well within his working hours but the contrary is true.
3. As noted above in Section II (a), while under Mr. Griffith's employment with the Library between fiscal year 2020 and 2021 there have been 493 transactions not posted during FY 2021. Some of the larger more significant items not posted include all payroll and employee benefits. This ties back into Mr. Griffith's lack of ability to complete his responsibilities in a timely manner.
4. Mr. Griffith has displayed complete disrespect towards DSJ and me as the Trustee appointed Treasurer. He refuses to work with us and take direction from us. He let's us know that he does not recognize my appointment as Treasurer and that we should be working under him to get the books and records organized.

III. Tasks to be completed next week

- a. Complete the reconciliation of outstanding AP balances for Alliant services.
- b. Incorporate the payroll process as outlined in the MVPL Accounting Policy and Procedures manual. This will include tracking of time with either time sheets or the clock system in the office
- c. FY 2022 Budget – Work with the Director to create an updated budget to ensure the budget reflects the addition of the part time workers set to join the library in December 2021.
- d. Continue bank reconciliation process from July 2014 – Jun 2021.

Exhibit A
Missing Bank Statements

Chase Bank

- I. Chase Account #590161814
 - a. January 31, 2015
 - b. February 28, 2015
 - c. March 31, 2015
 - d. April 30, 2015
 - e. May 31, 2015
 - f. October 31, 2015
 - g. November 30, 2015
 - h. December 31, 2015
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