

BYLAWS OF THE BERNE PUBLIC LIBRARY

ARTICLE I NAME, AUTHORITY, AND GOVERNMENT

1. The name of this organization shall be the Berne Public Library (BPL).
2. The BPL derives its authority from a provisional charter issued by the University of the State of New York Education Department on January 25, 1962, made absolute on October 19, 1978 and amended on November 08, 1996.
3. The BPL is governed by Section 260 of the New York State Education Law, by all other applicable New York State laws, the Rules of the Board of Regents, the regulation of the Commissioner of Education and these Bylaws.

ARTICLE II PURPOSE

The BPL shall exercise the powers and authority and assume the responsibilities delegated to it under its charter. The Library shall meet the needs of the community for life-long learning and entertainment.

ARTICLE III BOARD OF TRUSTEES

1. The governing body of the BPL shall be a Board of Trustees, appointed by the Berne Town Board, composed of seven (7) Trustees. The number of Trustees will change to nine (9) on September 11, 2025.
2. The term of office shall consist of five (5) years. The term of office shall begin on January 1st in the year of appointment and shall end on December 31st of the fifth year following appointment, unless a Trustee shall have resigned or otherwise terminated membership on the Board.
3. The Board of Trustees may recommend renewals or new appointees to the Berne Town Board by the Berne Town Board's last meeting in December (or at other times of the year when a vacancy needs to be filled.)
4. Vacancies on the Board of Trustees occurring for reasons other than expiration of term shall also be filled by the Berne Town Board. If a resignation is received by the Library Board of Trustees during the year, the Library Board of Trustees shall present that written resignation, with a list of potential replacements, to the Berne Town Board.
5. Each trustee shall have one vote and must be present at the meeting, either in person or virtually, to have this vote counted.

ARTICLE IV DUTIES OF THE BOARD OF TRUSTEES

1. The BPL Board of Trustees shall set the goals and objectives for the Library and shall establish the policies for Library management.

2. The Board of Trustees shall appoint a qualified Library Director, who shall be the executive and administrative officer of BPL. This appointment will be presented to the Berne Town Board for their approval. (The Albany County Civil Service position for BPL is officially a Library Manager, requiring at least a two-year degree, for populations under 5000.)
3. The Board of Trustees shall review and approve an annual budget.
4. Since the Trustees are responsible for control and disbursement of the public monies used to run and maintain BPL, all purchases for BPL from these funds shall be voted on by the Board of Trustees.
5. The Board of Trustees shall approve the annual report prepared by the Director of the Library for the Division of Library Development.
6. Each Trustee must take an oath with the Berne Town Clerk (or designated Berne Town official.)
7. Each Trustee shall attend monthly Board meetings and shall participate in at least one of its standing committees.
8. If any Trustee fails to attend three (3) consecutive Board meetings without an excuse accepted by the Board of Trustees as satisfactory, that Trustee shall be deemed to have resigned. After notification to the resignee, the vacancy shall be filled as per Article III, Section 4.

ARTICLE V OFFICERS

1. The officers of the Board of Trustees shall be President, Vice-President, Secretary and Treasurer, elected from among the appointed Trustees.
2. A nominating committee shall be appointed by the President at the April meeting of the Board of Trustees. This committee shall present its nominations for each office to the Board of Trustees at its May meeting.
3. During the regular June Board of Trustees meeting, officers will be elected to serve a one year term, which is from July 1 of the current year through June 30 of the following year. In the event that two or more Trustees are nominated for the same office, the vote shall be made by secret ballot.
4. The July Board of Trustees meeting will be run by the new officers.
5. Officers may serve three consecutive terms. A Trustee who has served three full terms in office may again serve in that office after the lapse of one year.

6. The President shall prepare (with input from the Director) an agenda for and preside at all meetings of the Board, authorize calls for any special meetings, appoint all committees, execute all documents authorized by the Board, and generally perform all duties associated with that office.
7. 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.
8. In the absence of the President and the Vice-President from a board meeting, the members of the Board of Trustees shall select a temporary President for the meeting.
9. The Secretary shall keep a true and accurate record of all meetings of the Board, ensure notification of all regular and special meetings, and perform such other duties as are generally associated with that office.
10. The Treasurer shall oversee all financial transactions and accounting reports of BPL, deposit funds in financial institutions approved by the Board of Trustees, prepare vouchers for the payment of bills, submit to the Board of Trustees a monthly financial statement as well as an annual fiscal report, submit financial information for the yearly comptroller report, participate in the development of the annual Budget, and perform such other duties as are generally associated with that office.

In the absence of the Treasurer, the Trustees in order of the President, Vice-President and Secretary shall submit the prepared financial transactions and statements to the Board of Trustees.

11. Should an office become vacant prior to its expiration, the board, at the first regular meeting held after such vacancy occurs, shall elect one of its members to fill the unexpired term of office.
12. All officers must be members of the Board of Trustees.

ARTICLE VI MEETINGS

1. All members of the Board of Trustees shall use every reasonable effort to attend all meetings of the Board of Trustees in person. If this is not possible because of extenuating circumstances (known as “Extraordinary Circumstances” as written in Chapter 56 of the Laws of 2022, which added § 103-a to the Open Meeting Law), participation by videoconference shall be permitted and shall constitute “presence” at the meeting for all purposes under these By-Laws, only under the following circumstances:
 - a. A quorum of the Board of Trustees shall be physically present at the meeting site. If a majority of the Board of Trustees is not present at the meeting site, the meeting will be cancelled for a lack of a quorum.
 - b. Electronic video participation must be approved by the majority of the Board of Trustees through a roll call vote.

- c. The Board of Trustees member who is attending virtually must be able to hear all discussions and presentations, have access to all documents and materials, and be able to ask questions and participate fully in the discussion.
 - d. Persons at the meeting site must be able to hear the Board of Trustees member attending virtually.
 - e. The Board of Trustees member attending virtually shall be responsible for arranging the necessary technology at his or her location.
 - f. All votes taken during a session where a Board of Trustee member is attending virtually shall be taken by roll call and the member attending virtually must identify himself or herself verbally before each roll call vote.
2. According to the New York State Open Meeting Law, all meetings of the Board of Trustees shall be open to the public.
3. The regular meetings of the BPL Board of Trustees shall be held on the second Thursday of each month.
4. The Secretary shall notify Trustees and ensure notification to the public at least five and not more than ten days before each meeting.
5. Special meetings shall be held at the call of the President or at the request of any three Trustees. The Secretary shall notify all Trustees accordingly. Public notice shall also be given.
6. Executive sessions of the Board shall be held when necessary. Executive sessions are not open to the public and shall be confined to discussion of matters as allowed by New York State Open Meeting Law.
7. A majority of the designated number of the Board of Trustees shall constitute a quorum.
8. Only Trustees shall have a vote in conducting Board of Trustees business. A majority vote shall be one more than half of the votes cast, excluding abstentions. In the event a Trustee cannot be present at a meeting, in person or virtually, for a vote, the Trustee may submit written input, but may not vote.
9. If a quorum of Trustees is not present at a regular meeting and an official meeting cannot be held, then an executive committee, consisting of the President, Vice President, Secretary and Treasurer may agree that the bills are to be paid. It will be the duty of the Treasurer to contact any of the executive committee not present to secure their vote for payment.

ARTICLE VII LIBRARY DIRECTOR AND STAFF

1. The BPL Board of Trustees shall appoint a qualified Director of the library who shall be the executive and administrative officer of the library on behalf of the Board of Trustees and under its review and direction.

2. The Director shall recommend to the Board of Trustees the appointment of and specify in writing the duties of the other library employees. The Director shall make recommendations to the Board of Trustees within the purview of the Civil Service law of the State of New York, the County of Albany and of the Town of Berne. No appointments, promotions or dismissals shall be made without Trustees' approval.
3. The Director is responsible for the proper direction and supervision of the library staff, for the care and maintenance of library property, for an adequate and proper selection of library materials, for the efficiency of library service to the public, for carrying out BPL policy as determined by the Board of Trustees and for the operation within the approved budget appropriation.
4. The Director shall submit a monthly Director's report to the Board of Trustees at least five days prior to the monthly Board of Trustees meeting. In addition, the Director shall prepare and present an annual report to the public.
5. The Director, or the Director's designee, shall attend all public meetings of the Board of Trustees, may participate in the discussion and offer professional advice, but shall not have a vote.

ARTICLE VIII COMMITTEES

1. The President shall appoint committees of one or more members of the Board of Trustees for specific purposes as the business of the Board of Trustees may require from time to time. The President shall also appoint a Chairperson for each committee.
2. To avoid reaching a quorum of the Board of Trustees, each committee will have no more than one less than half the number of Trustees from the entire Board of Trustees.
3. Non-Board of Trustees members may be appointed to such committees to bring special capabilities for the resolution of problems confronting the committee.
4. No committee will have other than advisory powers unless, by suitable action of the Board of Trustees, it is granted specific power to act.
5. All committee meetings shall be open to the public; thus, public notice of such meetings must be given at least five (5) days in advance.
6. All committees shall be listed on the agenda and give an oral or written monthly progress report to the Board of Trustees until such committee is discharged.
7. Each committee shall be considered to be discharged upon the completion of the purpose for which it was appointed and after its final report is made to the Board of Trustees or upon the completion of the term of office of the President.

8. The following shall be standing committees of BPL: personnel, finance and budget, and policy. A Trustee may not serve as Chairperson of a standing committee for more than two (2) consecutive years.
 - a. The personnel committee shall prepare an annual evaluation of the Director and accept staff comments regarding the Director.
 - b. The finance and budget committee shall ensure BPL stays within its annual budget, make recommendations for budget changes, and work with the Director and the Treasurer to prepare the BPL Annual Budget.
 - c. The policy committee shall ensure that all current policies are reviewed or amended regularly, recommend policies that are needed and ensure that Trustees have signed applicable policies.

ARTICLE IX AMENDMENTS

1. These By-Laws may be repealed, amended, or added to by a two thirds (2/3) majority vote of all Trustees at any meeting of the Board of Trustees.
2. Proposed changes must be presented in writing one (1) regular Board meeting prior to the meeting at which action on such change is to be taken.

These **amended** Bylaws of the Berne Public Library were adopted September 11, 2025.
Revised: 11/94, 4/95, 7/96, 5/97, 6/16, 1/20, 10/24