

A. Reference and Research Library Resources Council (General)

NYS Laws Pertaining to the 3R Councils

§226. Powers of trustees of institutions

The trustees of every corporation created by the regents, unless otherwise provided by law or by its charter, may:

1. Number and quorum. Fix the term of office and number of trustees, which **shall not exceed twenty-five, nor be less than five.** If any institution has more than five trustees, the body that elects, by a two-thirds vote after notice of the proposed action in the call for a meeting, may reduce the number to not less than five by abolishing the office of any trustee which is vacant and filing in the regents' office a certified copy of the action. A majority of the whole number shall be a quorum.
2. Executive committee. Elect an **executive committee of not less than five**, who, in intervals between meetings of the trustees, may transact such business of the corporation as the trustees may authorize, except to grant degrees or to make removals from office.
3. Meetings and seniority. Meet on their own adjournment or when required by their by-laws, and as often as they shall be summoned by their chairman, or in his absence by the senior trustee, on written request of three trustees. Seniority shall be according to the order in which the trustees are named in the charter or subsequently elected. **Notice of the time and place of every meeting shall be mailed not less than five nor more than ten days before the meeting** to the usual address of every trustee.
4. Vacancies and elections; removals by board of regents. Fill any vacancy occurring in the office of any trustee by electing another for the unexpired term; provided, however, that where trustees are elected by the legal voters the person so appointed to fill any such vacancy shall hold office until the next annual election of trustees. The office of any trustee shall become vacant on his death, resignation, refusal to act, removal from office, expiration of his term, or any other cause specified in the charter. **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, and the vacancy shall be filled.** Any vacancy in the office of trustee continuing for more than one year, or any vacancy reducing the number of trustees to less than two-thirds of the full number may be filled by the regents.
6. Control of property. a. Buy, sell, mortgage, let and otherwise use and dispose of its property as they shall deem for the best interests of the institution
7. Officers and employees. Appoint and fix the salaries of such officers and employees as they shall deem necessary who, unless employed under special contract, shall hold their offices during the pleasure of the trustees; but no trustee shall receive compensation as such. The president or chief executive officer of an association library corporation shall be elected by the trustees from their own number and shall be the chairman of the board.

8. Removals and suspensions. Remove or suspend from office by vote of a majority of the entire board any trustee, officer or employee engaged under special contract, on examination and due proof of the truth of a written complaint by any trustee, of misconduct, incapacity or neglect of duty; provided, that at least one week's previous notice of the proposed action shall have been given to the accused and to each trustee.

10. Rules. Make all by-laws and rules necessary and proper for the purposes of the institution and not inconsistent with law or any rule of the university; but no rule by which more than a majority vote shall be required for any specified action by the trustees shall be amended, suspended or repealed by a smaller vote than that required for action thereunder.

§255. (Trustees)

3. Trustees of a reference and research library resources system shall have those powers set forth in section two hundred twenty-six of this article with respect to trustees of corporations chartered by the regents, and in addition shall have the following powers and duties:

a. The board of trustees of a reference and research library resources system shall include at least one representative of each constituent public library system, at least one representative of the member academic library with the largest collection, and at least two nonlibrarians from the research community served by the system.

b. The term of office of trustees shall be five years except that the members of the first board of trustees shall determine by lot the year in which the term of office of each trustee shall expire so that as nearly as possible the terms of one-fifth of the members of such board will expire annually. Thereafter, the successors of such trustees shall be elected annually by a meeting of the designated representatives of the member institutions participating in the reference and research library resources system. No trustee shall hold office consecutively for more than two full terms. Such annual meeting shall be called by the secretary of the reference and research library resources system who shall give notice to all the participating libraries by mail at least five days prior to such meeting.

c. The board of trustees shall meet no fewer than six times a year

§272. Conditions under which library systems are entitled to state aid

2. Reference and research library resources systems

a. The term "*reference and research library resources system*" as used in this article means a duly chartered educational institution resulting from the association of a group of institutions of higher education, libraries, non-profit educational institutions, hospitals, and other institutions organized to improve reference and research library resources service. Such reference and research library resource systems may be registered upon meeting the standards set forth by the commissioner.

b. The "area served" by a reference and research library resources system for the purposes of this article shall include not less than seven hundred fifty thousand persons, as based upon the latest approved federal census, or not less than ten thousand square miles; and the defined area of service shall:

(1) Include more than one county; and

(2) Respect the integrity of the area of service of a public library system; and

(3) Constitute a service area effectively related to the availability of information resources and services and to the area of service of other reference and research library resources systems, as determined by the commissioner.

c. Membership in a reference and research library resources system

(1) The membership shall include **at least four chartered degree-granting institutions of higher education of the four year level** whose libraries meet departmental standards.

(2) Membership shall also include either:

(i) at least one chartered degree-granting institution **of higher education offering graduate programs for a masters degree** whose library holds not less than two hundred seventy-five thousand volumes and currently receives not less than three thousand periodical titles, or

(ii) a **public library which holds not less than four hundred thousand adult volumes** and currently receives not less than one thousand five hundred periodical titles.

(3) The membership may **also include approved public and school library systems** which are within the region served by the reference and research library resources system.

(5) A reference and research library resources system may set its own minimum standards for membership consistent with regulations of the commissioner, except that;

(i) any chartered institution of higher education whose library meets the departmental standards shall be eligible for membership, and

(ii) any chartered institution of higher education whose library does not meet the departmental standards may not be eligible for membership unless it submits to the department a five-year plan for the realization of the standards, the plan bearing the signed approval of the head librarian, the president, and the academic dean of the institution, and

(iii) **any hospital whose library meets the standards established by the regents in accordance with section two hundred fifty-four of this article shall be eligible for membership**, and

(iv) **any hospital** whose library does not meet the standards established by the regents will not be eligible for membership **unless it submits to the commissioner a five year plan for the realization of the standards**, such plan bearing the signed approval of the head of the governing board of such hospital.

(6) The member institutions of each reference and research library resources system shall be broadly representative of the chartered educational agencies, nonprofit organizations, hospitals and other special libraries providing library service within the defined area of services of the system.

d. Plan of service

(1) The reference and research library resources system shall submit a plan of service to the commissioner for approval, in a form to be prescribed by the commissioner to cover resources, needs, proposed program, budget, contractual agreements, and any other information which the commissioner may require.

(2) The **plan of service** must show the manner in which the reference and research library resources system **will improve the library resources and services presently available in the area to the research community**, including improved reader access.

(3) The plan of service shall indicate the manner in which the reference and research library resources system **strengthens the library programs of its members** and the manner in which the system program is related to appropriate regional programs in higher education.

(4) The plan of service shall **identify the resources and needs of each hospital library**, or library serving hospitals and show the manner in which the reference and research library resources system **will improve hospital library services** and in which it will assist each hospital library which does not meet the regents' standards to attain such standards and will assist each non-member hospital library or library serving a hospital to attain membership in the system.

e. The commissioner shall by regulation establish the standard of service to be met by such a reference and research library resources system.

f. Each reference and research library resources system receiving state aid pursuant to this section and section two hundred seventy-three of this article shall furnish such information regarding its library service as the commissioner may from time to time require to discharge his duties under such sections. The commissioner may at any time revoke his approval of a plan of library service if he finds that the library system operating under such plan no longer conforms to the provisions of this section or the regulations promulgated by the commissioner hereunder. In such case a library system shall not thereafter be entitled to state aid pursuant to this section and section two hundred seventy-three of this article unless and until its plan of library service is again approved by the commissioner.

g. In promulgating regulations and approving, rejecting or revoking plans of library service pursuant to this section, consideration shall be given to:

(1) The prevention of unreasonable discrimination among the persons served by such library system;

(2) The need for regional resources of sufficient size and varied in kind and subject matter;

(3) The need for adequate books, materials (print and non-print) and facilities for research and information;

(4) The need for outlets convenient in time and place for the sharing of library materials;

(5) The need for the economic and efficient utilization of public funds;

(6) The need for full utilization of local responsibility, initiative and support of library service and the use of state aid in their stimulation but not as their substitute;

(7) The need for adequate books, materials, including both print and non-print materials, and facilities for current medical information services to be provided each hospital.

§273. Apportionment of state aid

4. Reference and research library resources system.

a. Any reference and research library resources system providing service under an approved plan during a calendar year shall be entitled to receive annual state aid consisting of **an annual grant of two hundred seventy thousand dollars plus the sum of one dollar and fifty cents per square mile of area served plus the sum of six cents per capita of the population** of the area served except that in calendar year nineteen hundred ninety-one such annual grant shall be two hundred forty-five thousand dollars plus one dollar and twenty-five cents per square mile of area served plus the sum of five and one-half cents per capita of the population of the area served, and except that in calendar year nineteen hundred ninety-two such annual grant shall be two hundred sixty thousand dollars plus one dollar and forty cents per square mile of area served plus the sum of six cents per capita of the population of the area served. **Each system may annually appropriate the amount of ten thousand dollars or less of the aid received under this provision to obtain matching funds from the National Endowment for the Humanities in the United States Newspaper Program.** The annual amount payable to each approved system under this paragraph shall be paid on July first, provided that, upon receipt of annual system activity reports satisfactory to the commissioner, the commissioner shall determine the amount of any under- or overpayment and shall apply such adjustment to the next annual payment due such system.