

S. 5321

A. 8116

2005-2006 Regular Sessions

SENATE - ASSEMBLY

May 10, 2005

IN SENATE -- Introduced by Sen. WINNER -- read twice and ordered printed, and when printed to be committed to the Committee on Corporations, Authorities and Commissions

IN ASSEMBLY -- Introduced by M. of A. O'MARA -- read once and referred to the Committee on Libraries and Education Technology

AN ACT in relation to establishing the Chemung county library district; and to amend chapter 672 of the laws of 1993, amending the public authorities law relating to the construction and financing of facilities for certain public libraries, in relation to including the Chemung county library district within the provisions of such chapter

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

- 1 Section 1. Creation of library district. Notwithstanding the
- 2 provisions of any general, special or local law to the contrary, there
- 3 is hereby created and established in the county of Chemung a public
- 4 library district which shall include all of the territory within the
- 5 county of Chemung. The public library district shall be known as the
- 6 Chemung county library district.
- 7 § 2. Election. 1. The Chemung county library district herein described
- 8 shall not come into existence unless and until it is approved and the
- 9 initial proposed budget is approved by a vote of the majority of the
- 10 qualified voters voting in an election held pursuant to the following
- 11 provisions:
- 12 Upon receipt by each of the boards of trustees of the Steele Memorial
- 13 Library and the Horseheads Free Library, respectively, of identical
- 14 petitions each signed by at least twenty-five voters qualified to vote

15 at a general county election, the boards of trustees of the Steele Memo-
16 rial Library and the Horseheads Free Library, jointly, shall give notice
17 of an election to be conducted pursuant to the provisions of this act.
18 Such election shall be held within one year after this act shall have

EXPLANATION--Matter in italics (underscored) is new; matter in brackets
[] is old law to be omitted.

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1 become a law. If a majority of the voters of the county approve the
2 formation of the library district, then the district shall come into
3 existence on the terms and conditions set forth in this act. At such
4 election the issues shall be:

5 (a) whether the library district shall be created or not; and

6 (b) whether the budget therefor proposed by the boards of trustees of
7 the Steele Memorial Library and the Horseheads Free Library shall be
8 approved or disapproved.

9 The trustees of the existing Steele Memorial Library and the Horse-
10 heads Free Library, jointly, shall give notice of such election by the
11 publication of a notice in one or more newspapers having a general
12 circulation in the district to be served. The first publication of such
13 notice shall be not less than thirteen days and not more than twenty
14 days prior to the date of such election. In addition, the boards of
15 trustees of the existing Steele Memorial Library and the Horseheads Free
16 Library shall cause copies of such notice to be posted conspicuously in
17 fifteen public places within the county at least thirteen days prior to
18 the date of such election. Such notice shall specify the time when and
19 the place where such election will be held, the issues to be decided at
20 such election and the hours during which polls will be open. The polling
21 places to be used shall be designated by the boards of trustees of the
22 Steele Memorial Library and the Horseheads Free Library. The boards of
23 trustees of the Steele Memorial Library and the Horseheads Free Library
24 shall designate a resident qualified voter to act as chairperson of the
25 election and shall designate not less than two nor more than four resi-
26 dent qualified voters to act as election inspectors and ballot clerks at
27 each polling place. No trustee shall serve as chairperson or as an
28 election inspector or ballot clerk. The boards of trustees of the Steele
29 Memorial Library and the Horseheads Free Library may adopt a resolution
30 providing that such chairpersons, election inspectors and ballot clerks
31 shall be paid for their respective services at elections. Such resol-
32 ution, if adopted, may fix reasonable compensation for the services of
33 such official. Every voter of the district otherwise qualified to vote
34 at a general county election shall be qualified to vote at said
35 election. After the polls have closed at such election, the election

36 inspectors and the ballot clerks shall immediately canvass publicly the
37 ballots cast, and the chairperson of the election shall publicly
38 announce the result.

39 Within seventy-two hours thereafter, the chairperson, election inspec-
40 tors and ballot clerks shall execute and file a certificate of the
41 result of the canvass with the boards of trustees of the Steele Memorial
42 Library and the Horseheads Free Library and with the Chemung county
43 clerk.

44 Upon approval of the formation of the Chemung county library district
45 based on the initial election to be held pursuant to this subdivision,
46 the board of trustees of the Steele Memorial Library shall appoint ten
47 library district trustees, one residing in each of county legislative
48 districts 2, 7, 8, 9, 10, 11, 12, 13, 14 and 15; and the Horseheads Free
49 Library shall appoint five library district trustees, one residing in
50 each of county legislative districts 1, 3, 4, 5 and 6. Each appointee
51 must be a qualified voter of the Chemung county library district at the
52 time of appointment and throughout his or her respective term.

53 2. In the event that the Chemung county library district is created,
54 there shall be an annual election conducted by the board of trustees of
55 the district in accordance with the election procedures provided in
56 subdivision one of this section, at a time to be set by the district

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1 board, at which election vacancies on the board of trustees shall be
2 filled and at which any proposed budget which the board shall determine
3 to submit to the voters pursuant to section four of this act shall be
4 submitted to the voters.

5 3. Candidates for the office of member of the board of trustees of the
6 Chemung county library district shall be nominated by petition. A sepa-
7 rate petition shall be required to nominate each candidate for a vacancy
8 on the board. In the event the library district is created, petitions
9 nominating candidates for the district board of trustees shall be filed
10 with the secretary of the Chemung county library district. Each petition
11 shall be signed by at least twenty-five qualified voters of the election
12 district in which the vacancy occurs, shall state the residence of each
13 signer, and shall state the name and residence of the candidate. In the
14 event that any such nominee shall withdraw candidacy prior to the
15 election, such person shall not be considered a candidate unless a new
16 petition nominating such person in the same manner and within the same
17 time limitations applicable to other candidates is filed with the secre-
18 tary of the board of trustees. Each petition shall be filed with the
19 secretary of the board of trustees between the hours of 9:00 a.m. and
20 5:00 p.m., not later than the thirty-sixth day preceding the election at
21 which time the candidates nominated are to be elected. The candidate
22 receiving the largest number of votes in an election district shall be

23 elected to fill the vacancy on the board occurring in such election
24 district. In the event there are no candidates from an election
25 district, the library board may appoint a qualified voter from the
26 election district to serve on the board until the next annual district
27 election.

28 § 3. Organization and structure. 1. The Chemung county library
29 district shall be managed, operated and controlled by a board of trust-
30 tees consisting of fifteen members. The library district shall have
31 fifteen election districts corresponding to the fifteen legislative
32 districts within the county of Chemung. The board of trustees may
33 adjust the election districts from time to time to conform to any
34 adjustments to the legislative districts in the county of Chemung.

35 2. The trustees shall at the first regular meeting of the district
36 board determine by lot the year in which each of their terms of office
37 expire, and the terms shall expire as follows: After one year three
38 trustees; after two years three trustees; after three years three trust-
39 tees; after four years three trustees; after five years three trustees.
40 As vacancies occur, trustees shall be elected at the annual election
41 provided for by this act to serve five-year terms, such terms to
42 commence on the first day of the fiscal year of the library district
43 next following the election. No member shall serve more than ten consec-
44 utive years. Only qualified voters of the district shall be eligible for
45 election to the board of trustees. The board of trustees at its first
46 meeting each fiscal year shall elect or appoint a president and vice-
47 president who shall be members of the board and a secretary, treasurer
48 and such other officers as they deem necessary. If the board so deter-
49 mines, the offices of secretary and treasurer may be held by individuals
50 who are not members of the board of trustees and, in that event, such
51 officer may, if the board so determines, receive compensation as fixed
52 by resolution of the board.

53 § 4. Finances. 1. The initial budget for the Chemung county library
54 district shall be determined by a vote of the voters of the district in
55 the initial election as hereinafter provided. 86.3% of the amount
56 approved by voters within the district will support the operation of the

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1 former Steele Memorial Library and outlets and 13.7% will support the
2 operation of the former Horseheads Free Library. These percentages shall
3 remain in effect unless adjusted by a vote of not less than four-fifths
4 of the trustees of the library district. All future budgets that
5 increase or decrease the appropriation last approved by the voters shall
6 be submitted by the library board to the residents of the library
7 district for approval by a majority of those residents voting at the
8 annual election. Funds voted for library purposes at the initial
9 election and at all future budget elections shall be considered an annu-

10 al appropriation therefor and shall be levied and collected yearly in
11 the same manner and at the same time as other taxes in the county of
12 Chemung.

13 2. The board of trustees shall annually file with the clerk of the
14 county of Chemung an estimate of the budget to be raised by levy for the
15 library district for the following fiscal year. The county shall not
16 make any change in the estimate of the budget submitted by the board of
17 the library district.

18 3. The Chemung county legislature shall levy a tax against the real
19 property lying within the county of Chemung for the amount to be raised
20 by tax as contained in the annual budget of the Chemung county library
21 district. The county legislature may issue tax anticipation notes,
22 anticipation revenue notes pursuant to article 2 of the local finance
23 law to obtain the necessary moneys thereof.

24 4. The Chemung county legislature shall have the power to authorize,
25 sell and issue bonds, notes and other evidences of indebtedness pursuant
26 to the local finance law in order to permit the library district to
27 provide facilities or improved facilities for library purposes. Upon
28 written request from the board of trustees of the Chemung county library
29 district, the Chemung county legislature shall determine whether the
30 county will consent to authorize, sell and issue such bonds, notes or
31 other evidences of indebtedness as are necessary to accomplish the
32 improvements specified in the request. Upon such consent by the county
33 legislature and subsequent resolution of the board of trustees and
34 approval by the qualified voters of the library district, the county
35 shall authorize, sell and issue such bonds, notes or other evidences of
36 indebtedness as are necessary to accomplish the improvements specified
37 in the request. The proceeds of such bonds, notes or other evidences of
38 indebtedness shall be paid to the treasurer of the Chemung county
39 library district and maintained in a segregated account in accordance
40 with section 165.00 of the local finance law and expended by the treas-
41 urer only on specific authorization by the board of trustees.

42 5. After approval by the qualified voters of the library district to
43 provide facilities or improved facilities for library purposes by a
44 separate resolution therefor voted upon at the same time as the annual
45 budget of the library district, the Chemung county library district
46 board of trustees shall have full power and authority to assign and
47 pledge to the dormitory authority any and all public funds to be appor-
48 tioned or otherwise made payable by the state, or a political subdivi-
49 sion, as defined in section 100 of the general municipal law, in an
50 amount sufficient to make all payments required to be made by such
51 library district pursuant to any agreement entered into between such
52 library district and the dormitory authority. All state and local offi-
53 cers are hereby authorized and required to pay all such funds so
54 assigned and pledged to the dormitory authority or upon direction of the
55 authority to any trustee of any authority bond or note issued, pursuant

1 to a certificate filed with any such state or local officer by the
2 authority as required by such agreement.

3 6. The board of trustees of the Chemung county library district may
4 accept on behalf of the district any absolute gift, devise or bequest of
5 real or personal property and such conditional gifts, devises or
6 bequests as it shall by resolution approve.

7 7. The treasurer of the Chemung county library district shall be
8 custodian of all funds of the library district including gifts and trust
9 funds paid over to the trustees. The board of trustees may authorize the
10 investment of funds in the custody of the treasurer in the same manner
11 in which school district funds may be invested. Proceeds of obligations
12 received from the county may be invested in accordance with section
13 165.00 of the local finance law. The county shall promptly pay over to
14 the Chemung county library district all moneys which belong to or are
15 raised for the library district. No moneys shall be disbursed by the
16 treasurer of the library district except after audit by the board of
17 trustees. The board of trustees of the library district shall audit all
18 claims and shall order the payment thereof, except as otherwise provided
19 by this section. No such claims shall be audited or ordered paid by the
20 trustees unless an itemized voucher therefor shall be presented to the
21 board of trustees for audit and allowance. The foregoing requirement
22 that no moneys shall be disbursed by the treasurer of the library
23 district except after audit by the board of trustees shall not be appli-
24 cable to payment of claims of fixed salaries and amounts which the
25 library district may be required to pay on account of retirement
26 contributions for past or current services to officers and employees of
27 the library district. The treasurer shall keep such records in such
28 manner as the board of trustees may require.

29 § 5. Charter, commencement of operations, and transfer of property and
30 employees. 1. The initial trustees shall, within thirty days from the
31 date of approval of the library district by the voters of the district,
32 apply to the board of regents for a charter as a public library. Upon
33 the granting of such a charter by the board of regents, title to all
34 library property, both real and personal, tangible and intangible, trust
35 and other funds, now held by the Steele Memorial Library, the Horseheads
36 Free Library, their boards of trustees, or the county of Chemung shall
37 be transferred to, vest in, and be acquired by the Chemung county
38 library district established by this act. Upon the granting of such
39 charter by the board of regents, all employees of the Steele Memorial
40 Library and the Horseheads Free Library shall become employees of the
41 library district upon the same terms and conditions of employment as
42 their previous employment by the Steele Memorial Library or the Horse-
43 heads Free Library.

44 2. The Chemung county library district shall operate five outlets and
45 one bookmobile. Outlets shall be in the city of Elmira, the town of
46 Horseheads, the town of Big Flats, the town of Elmira and the town of
47 Van Etten. The library district board may eliminate outlets in the city
48 of Elmira and/or the Town of Horseheads only by a unanimous vote of the
49 trustees of the Chemung county library district. Other outlets and book-
50 mobiles may be added, eliminated, or otherwise adjusted by a vote of not
51 less than four-fifths of the trustees of the library district.

52 § 6. Ad valorem levy. The several lots and parcels of land within the
53 area of said library district are hereby determined to be benefited by
54 the library facilities and devices existing as of the effective date of
55 this act and the county of Chemung is hereby authorized to assess, levy
56 and collect the necessary expenses of operation, maintenance and repair

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1 of such facilities and services and such capital improvements including
2 debt service on bonds, notes or other evidences of indebtedness of the
3 county issued for the purpose of the Chemung county library district as
4 may be hereafter authorized pursuant to the provisions of this act from
5 such lots and parcels of land in the same manner and at the same time as
6 other county charges.

7 § 7. Education law. Except as otherwise provided by this act, the
8 provisions of the education law relating to public libraries shall be
9 applicable to the Chemung county library district established by this
10 act.

11 § 8. Section 5 of chapter 672 of the laws of 1993, amending the public
12 authorities law relating to the construction and financing of facilities
13 for certain public libraries, as amended by chapter 591 of the laws of
14 2004, is amended to read as follows:

15 § 5. The following libraries shall be eligible public libraries for
16 purposes of title 4 of article 8 of the public authorities law:

17 Comsewogue Public Library
18 Rogers Memorial Library Company
19 Hendrick Hudson Free Library
20 Riverhead Free Library
21 Northern Onondaga Public Library District
22 Suffern Free Library
23 Haverstraw King's Daughters Public Library
24 Crandall Public Library
25 Sayville Library
26 Monroe Free Library
27 Harborfields Public Library
28 Howland Public Library
29 Patchogue-Medford Library
30 New City Library

- 31 Babylon Public Library
- 32 Lindenhurst Memorial Library
- 33 Great Neck Library
- 34 Caledonia Public Library
- 35 Bayport-Blue Point Public Library
- 36 The Bryant Library
- 37 Chemung County Library District
- 38 § 9. This act shall take effect immediately.

