

7287--A

I N S E N A T E

March 29, 2010

Introduced by Sen. SEWARD -- read twice and ordered printed, and when printed to be committed to the Committee on Education -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend chapter 313 of the laws of 2004 relating to creating the D.R. Evarts library district in a portion of the town of Athens, in relation to filling vacancies on the board of trustees and in relation to budget proposals; 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 D.R. Evarts 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. Subdivisions 1 and 3 of section 2 of chapter 313 of the
2 laws of 2004 relating to creating the D.R. Evarts library district in a
3 portion of the town of Athens, are amended to read as follows:
4 1. The public library district herein described shall not come into
5 existence unless and until it is approved and the initial proposed budg-
6 et is approved by a vote of the majority of the qualified voters voting
7 in an election held pursuant to the following provisions:
8 Upon receipt of a petition signed by not less than one hundred voters
9 qualified to vote at a general town election, the board of trustees of
10 the existing D.R. Evarts library shall give notice of an election to be
11 held prior to December 31, 2004. If a majority of the voters approve the
12 formation of the district, then the district shall come into existence
13 on the terms and conditions set forth in this act. At such election the
14 issue shall be:
15 (a) whether the public library district therein described shall be
16 created or not;
17 (b) whether the initial budget therefor proposed by the board of trus-
18 tees of the D.R. Evarts library shall be approved or disapproved; and
19 (c) the election of nine trustees as provided by this act.

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

LBD16478-03-0

1 The trustees of the existing D.R. Evarts library shall give notice of
2 such election by the publication of a notice in one or more newspapers
3 having a general circulation in the district to be served. The first
4 publication of such notice shall be not less than thirteen days and not
5 more than twenty days prior to the date of such election. In addition,
6 the board of trustees of the existing D.R. Evarts library shall cause
7 copies of such notice to be posted conspicuously in three public places
8 in the district at least thirteen days prior to the date of such
9 election. Such notice shall specify the time when and the place where
10 such election will be held, the issues to be decided at such election
11 and the hours during which polls will be open for the receipt of ballots
12 [thereof at all elections] WHICH SHALL BE from 7:00 a.m. until 8:00
13 p.m.; PROVIDED, HOWEVER THAT FOR ALL SUBSEQUENT ELECTIONS THE POLLS
14 SHALL BE OPEN FROM 12:00 P.M. UNTIL 9:00 P.M. THE BOARD OF TRUSTEES OF
15 THE D.R. EVARTS LIBRARY DISTRICT MAY, TO THE EXTENT AUTHORIZED BY LAW,
16 AUTHORIZE THE USE OF ABSENTEE BALLOTS FOR ALL SUCH SUBSEQUENT ELECTIONS.
17 The board of trustees of the existing D.R. Evarts library shall desig-
18 nate a resident qualified voter of such district to act as chairperson
19 of any election of such district and shall designate not less than two
20 nor more than four resident qualified voters at the polling place which
21 shall be the D.R. Evarts library to act as election inspectors and
22 ballot clerks at such elections. No trustee shall serve as chairperson
23 or as an election inspector or ballot clerk. The board of trustees may
24 adopt a resolution providing that such chairperson, election inspectors
25 and ballot clerks shall be paid for their respective services at the
26 initial election. After the polls have closed at such election, the
27 election inspectors and the ballot clerks shall immediately canvass
28 publicly the ballots cast and the chairperson of the election shall
29 publicly announce the result. Within [seventy-two hours thereafter]
30 SEVEN DAYS FOLLOWING THE DAY OF ELECTION, the chairperson, election
31 inspectors, and ballot clerks shall execute and file a certificate of
32 the result of the canvass with the board of trustees and the Athens town
33 clerk.

34 3. Candidates for the office of member of the board of trustees of the
35 D.R. Evarts library district shall be nominated by petition. No vacancy
36 on the board of trustees to be filled shall be considered a separate,
37 specific office. A separate petition shall be required to nominate each
38 candidate for a vacancy on the board, EXCEPT FOR VACANCIES FILLED BY
39 APPOINTMENT BETWEEN ANNUAL ELECTIONS AS PROVIDED IN SECTION THREE OF
40 THIS ACT. Each petition shall be directed to the secretary of the board
41 of trustees, shall be signed by at least [fifty] TWENTY-FIVE qualified
42 voters of the district, shall state the residence of each signer, and
43 shall state the name and residence of the candidate. In the event that
44 any such nominees shall withdraw candidacy prior to the election, such
45 person shall not be considered a candidate unless a new petition nomi-
46 nating such person in the same manner and within the same time limita-
47 tion applicable to other candidates is filed with the secretary of the
48 board of trustees. Each petition shall be filed with the secretary of
49 the board of trustees between the hours of 9:00 a.m. and 5:00 p.m., not
50 later than the thirtieth day preceding the election at which time the
51 candidates are to be elected. In the event that the district is created,
52 petitions nominating candidates for the board of trustees after the
53 initial election shall be filed with the secretary of the D.R. Evarts
54 library district.

1 S 2. Section 3 of chapter 313 of the laws of 2004 relating to creating
2 the D.R. Evarts library district in a portion of the town of Athens, is
3 amended to read as follows:

4 S 3. Organization and structure. The D.R. Evarts library district
5 shall be managed, operated, and controlled by a board of trustees
6 consisting of nine members. The trustees shall, at the first regular
7 meeting of the board, determine by lot the year in which each of their
8 terms of office expire, and the terms shall expire as follows: after one
9 year three trustees; after two years three trustees; after three years
10 three trustees.

11 As vacancies occur UPON THE EXPIRATION OF TERMS, trustees shall be
12 elected at the annual election provided for by this act to serve three
13 year terms by the voters of the library district hereby created, such
14 terms to commence on the first day of the month next following the
15 election; PROVIDED, HOWEVER THAT A VACANCY OCCURRING ON THE BOARD
16 BETWEEN ANNUAL ELECTIONS MAY BE FILLED BY BOARD APPOINTMENT FOR THE
17 PERIOD REMAINING UNTIL THE NEXT ANNUAL ELECTION IN ACCORDANCE WITH THE
18 BYLAWS OF THE BOARD. Only qualified voters of the district shall be
19 eligible for election to the board of trustees. The board of trustees at
20 its first meeting each year shall elect or appoint a president and vice-
21 president who shall be members of the board and a secretary, treasurer,
22 and such other officers as they deem necessary. If the board so deter-
23 mines, the offices of secretary and treasurer may be held by individuals
24 who are not members of the board of trustees and, in that event, such
25 officer may, if the board so determines, receive compensation as fixed
26 by resolution of the board.

27 S 3. Section 4 of chapter 313 of the laws of 2004 relating to creating
28 the D.R. Evarts library district in a portion of the town of Athens, is
29 amended to read as follows:

30 S 4. Finances. 1. The initial budget for the D.R. Evarts library
31 district shall be determined by a vote of the voters of the district in
32 the initial election as hereinafter provided for. All future budgets
33 that PROPOSE TO increase the D.R. Evarts library proposed total operat-
34 ing expenditures over the total operating expenditures in the last
35 preceding fiscal year's budget shall be submitted to the residents
36 voting at the annual election of trustees pursuant to section two of
37 this act FOR A VOTE ON THE PROPOSED INCREASE. Funds voted for library
38 purposes at the initial election and at all [future] SUBSEQUENT budget
39 elections shall be considered an annual appropriation therefor and shall
40 be levied and collected yearly in the same manner and at the same time
41 as other taxes in the town of Athens. IN ANY YEAR IN WHICH AN INCREASE
42 HAS BEEN APPROVED, THE ANNUAL APPROPRIATION SHALL BE THE AMOUNT OF THE
43 APPROVED INCREASE TOGETHER WITH THE AMOUNT OF THE LAST PRECEDING FISCAL
44 YEAR'S APPROVED BUDGET. IN ANY YEAR IN WHICH A DECREASE TO THE LAST
45 PRECEDING FISCAL YEAR'S APPROVED BUDGET IS PROPOSED, WHICH PROPOSED
46 DECREASE SHALL BE SUBMITTED TO THE RESIDENTS FOR APPROVAL IN THE SAME
47 MANNER AS A PROPOSED INCREASE, THE ANNUAL APPROPRIATION SHALL BE THE
48 AMOUNT OF THE LAST PRECEDING FISCAL YEAR'S APPROVED BUDGET LESS THE
49 AMOUNT OF THE APPROVED DECREASE. IN ANY YEAR IN WHICH NEITHER AN
50 INCREASE OR DECREASE TO THE LAST PRECEDING FISCAL YEAR'S BUDGET IS
51 APPROVED, THE ANNUAL APPROPRIATION SHALL BE THE AMOUNT OF THE LAST
52 PRECEDING FISCAL YEAR'S BUDGET.

53 2. The board of trustees shall annually file with the clerk of the
54 town of Athens, on or before the first day of August, an estimate of the
55 proposed budget, including costs of library services, to be raised by
56 levy for the library district in the fiscal year beginning on the first

1 day of January of the following year. The town shall not make any change
2 in the estimate of revenues or expenditures submitted by the board of
3 the library district in preparation of its preliminary budget.

4 3. The town board of the town of Athens shall levy a tax against the
5 real property lying within the D.R. Evarts library district for the
6 amount to be raised by tax as contained in the annual budget of the D.R.
7 Evarts library district. The town board may issue tax anticipation
8 notes, revenue anticipation notes, and budget notes pursuant to article
9 2 of the local finance law to obtain the necessary moneys therefor.

10 4. The town board of the town of Athens shall have the power to
11 authorize, sell, and issue bonds, notes, and other evidences of indebt-
12 edness pursuant to the local finance law in order to permit the library
13 district to provide facilities or improved facilities for library
14 purposes. Upon written request from the board of trustees of the D.R.
15 Evarts library district, after approval by the qualified voters of such
16 district, the town board shall authorize, sell, and issue such bonds,
17 notes, or other evidences of indebtedness as are necessary to accomplish
18 the improvements specified in the notice. The proceeds of such bonds,
19 notes, or other evidences of indebtedness shall be paid to the treasurer
20 of the D.R. Evarts library district and maintained in a segregated
21 account in accordance with section 165.00 of the local finance law and
22 expended by the treasurer only on specific authorization by the board of
23 trustees.

24 5. The board of trustees of the D.R. Evarts library district may
25 accept on behalf of the district any absolute gift, devise, or bequest
26 of real or personal property and such conditional gifts, devises, or
27 bequests as it shall by resolution approve.

28 6. The treasurer of the D.R. Evarts library district shall be custo-
29 dian of all funds of the library district, including gifts and trust
30 funds paid over to the trustees. The board of trustees may authorize the
31 investment of funds in the custody of the treasurer in the same manner
32 in which school district funds may be invested. Proceeds of obligations
33 received from the town may be invested in accordance with section 165.00
34 of the local finance law. The town of Athens shall promptly pay over to
35 the D.R. Evarts library district all moneys which belong to or are
36 raised for the library district. No moneys shall be disbursed by the
37 treasurer of the library district except after [audit by] APPROVAL BY
38 THE FINANCE COMMITTEE ESTABLISHED IN ACCORDANCE WITH BYLAWS ADOPTED BY
39 the board of trustees. The FINANCE COMMITTEE OF THE board of trustees of
40 the D.R. Evarts library district shall [audit] REVIEW all claims and
41 shall order the payment thereof, except as otherwise provided by this
42 section. No such claims shall be [audited] REVIEWED or ordered paid by
43 the [trustees] FINANCE COMMITTEE unless an itemized voucher therefor
44 shall be presented to the [board of trustees] FINANCE COMMITTEE for
45 [audit] REVIEW and [allowance] APPROVAL OF PAYMENT. The provisions of
46 this section shall not be applicable to payment of claims of fixed sala-
47 ries and amounts which the library districts may be required to pay on
48 account of retirement contributions for past or current services to
49 officers and employees of the library district. The treasurer shall keep
50 such records in such manner as the board of trustees may require.

51 7. THE BOARD OF TRUSTEES SHALL OBTAIN AN INDEPENDENT AUDIT OR REVIEW
52 OF THE FINANCES OF THE D.R. EVARTS LIBRARY DISTRICT AS AND WHEN REQUIRED
53 BY STATE LAW.

54 S 4. Section 5 of chapter 672 of the laws of 1993, amending the public
55 authorities law relating to the construction and financing of facilities

1 for certain public libraries, as separately amended by chapters 233, 283
2 and 422 of the laws of 2008, is amended to read as follows:

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

5 Comsewogue Public Library
6 Rogers Memorial Library Company
7 Hendrick Hudson Free Library
8 Riverhead Free Library
9 Northern Onondaga Public Library District
10 Suffern Free Library
11 Haverstraw King's Daughters Public Library
12 Crandall Public Library
13 Sayville Library
14 Monroe Free Library
15 Harborfields Public Library
16 Howland Public Library
17 Patchogue-Medford Library
18 New City Library
19 Babylon Public Library
20 Lindenhurst Memorial Library
21 Great Neck Library
22 Caledonia Public Library
23 Bayport-Blue Point Public Library
24 The Bryant Library
25 Swan Library
26 Bay Shore-Brightwaters Public Library
27 The Albany Public Library
28 Elwood Public Library
29 Peninsula Public Library
30 Smithtown Special Library District
31 Goshen Public Library and Historical Society
32 The Hauppauge Public Library
33 The Nyack Library
34 North Merrick Public Library
35 Southold Free Library
36 The Hampton Library in Bridgehampton, Inc.
37 John Jermain Memorial Library
38 Westhampton Free Library
39 The Plainview-Old Bethpage Public Library
40 Commack Public Library
41 Troy Public Library
42 D.R. EVARTS LIBRARY DISTRICT
43 S 5. This act shall take effect immediately.