

5504

2011-2012 Regular Sessions

I N   S E N A T E

May 26, 2011

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Introduced by Sen. SALAND -- read twice and ordered printed, and when printed to be committed to the Committee on Local Government

AN ACT in relation to creating the LaGrange public library district in the town of LaGrange, New York

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 town of LaGrange, county of  
4 Dutchess, a public library district which shall be known as the LaGrange  
5 public library district, hereinafter referred to as the district, and  
6 which shall consist of all the territory within the town of LaGrange,  
7 hereinafter referred to as the town. The district will operate a public  
8 library to be known as the LaGrange public library.  
9     S 2. Election. 1. The district herein described shall not come into  
10 existence unless and until it is approved with the initial tax levy in  
11 support thereof proposed by the board of trustees of the existing  
12 LaGrange library, and nine trustees are elected by a vote of the majori-  
13 ty of the qualified voters voting in an election held, not later Novem-  
14 ber 15, 2012, pursuant to the following provisions:  
15     Upon receipt of a petition signed by not less than twenty-five voters  
16 qualified to vote at a general election in the town, the board of trus-  
17 tees of the existing LaGrange library shall, at least sixty days prior  
18 to the general election, file such petition with the board of elections  
19 of Dutchess county which shall cause the board of elections of Dutchess  
20 county to give notice of an election to be held with the general  
21 election in the town. If a majority of the voters approve the formation  
22 of the district with the initial tax levy in support thereof proposed by  
23 the board of trustees of the existing LaGrange library, then the  
24 district shall come into existence on the terms and conditions set forth  
25 in this act. At such election the issue shall be:

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

LBD11825-01-1

1 (a) whether the public library district herein described with the  
2 initial tax levy in support thereof proposed by the board of trustees of  
3 the existing LaGrange library shall be created or not; and

4 (b) the election of nine trustees as provided by this act.

5 The board of elections of Dutchess county shall give notice of such  
6 election with the general election for the town of LaGrange in accord-  
7 ance with the rules relating to such notice in the election law. In  
8 addition, the board of trustees of the existing LaGrange library shall  
9 cause copies of such notice to be posted conspicuously in three public  
10 places in the district at least fourteen days prior to the date of such  
11 election. Such notice shall specify the issues to be decided at such  
12 election and that the election will be held as part of the general  
13 election. Every voter otherwise qualified to vote at a general election  
14 and residing within the town shall be qualified to vote at said  
15 election.

16 2. In the event that the district is created, there shall be an annual  
17 election conducted by the board of elections of Dutchess county in  
18 accordance with the provisions of subdivision one of this section in  
19 conjunction with the general election in the town, at which election  
20 vacancies on the board of trustees shall be filled and at which any  
21 proposed tax levy which the board shall determine to submit to the  
22 voters pursuant to section four of this act shall be submitted to the  
23 voters.

24 3. Candidates for the office of member of the board of trustees of the  
25 LaGrange public library district shall be nominated by petition. No  
26 vacancy on the board of trustees to be filled shall be considered a  
27 separate, specific office. A separate petition shall be required to  
28 nominate each candidate for a vacancy on the board. Each petition shall  
29 be directed to the board of elections of Dutchess county, with a copy to  
30 the secretary of the board of trustees of the existing LaGrange library,  
31 shall be signed by at least twenty-five qualified voters of the  
32 district, shall state the residence of each signer, and shall state the  
33 name and residence of the candidate. In the event that any such nominees  
34 shall withdraw their candidacy prior to the election, such person shall  
35 not be considered a candidate unless a new petition nominating such  
36 person in the same manner and within the same time limitation applicable  
37 to other candidates is filed with the board of elections of Dutchess  
38 county, with a copy to the secretary of the board of trustees of the  
39 existing LaGrange library. Each petition shall be filed with the board  
40 of elections of Dutchess county, with a copy to the secretary of the  
41 board of trustees of the existing LaGrange library, between the hours of  
42 9:00 a.m. and 5:00 p.m., not later than the thirty-first day of August  
43 preceding the general election at which the candidates nominated are to  
44 be elected. In the event that the new district is created, petitions  
45 nominating candidates for the board of trustees for all future elections  
46 shall be filed with the board of elections of Dutchess county, with a  
47 copy to the secretary of the LaGrange public library district.

48 S 3. Organization and structure. The LaGrange public library district  
49 shall be managed, operated, and controlled by a board of trustees  
50 consisting of nine members. The trustees shall take office on the first  
51 day of January following their election. At the first regular meeting of  
52 the board of trustees of the district, the trustees shall determine when  
53 the terms of office of each member shall expire as follows: the trustees  
54 receiving the first, second, and third highest number of votes shall  
55 each serve for three years, the trustees receiving the fourth, fifth,  
56 and sixth highest number of votes shall each serve for two years, and

1 the trustees receiving the seventh, eighth, and ninth highest number of  
2 votes shall each serve for one year. As vacancies occur due to expira-  
3 tion of terms of office, trustees shall be elected by the voters of the  
4 district at the election provided for by this act to serve three year  
5 terms, such terms to commence on the first day of January next following  
6 the election. All other vacancies caused by resignation, removal, death,  
7 or inability to serve shall be filled by appointment by the board of  
8 trustees of the district for the remaining portion of the term being  
9 filled. Only qualified voters of the district shall be eligible for  
10 election to the board of trustees. The board of trustees at its first  
11 meeting each year shall elect or appoint a president and vice-president,  
12 who shall be members of the board, and a secretary, treasurer, and such  
13 other officers as they deem necessary. If the board so determines, the  
14 offices of secretary and treasurer may be held by individuals who are  
15 not members of the board of trustees and, in that event, such officer  
16 may, if the board so determines, receive compensation as fixed by resol-  
17 ution of the board.

18 S 4. Finances. 1. The initial tax levy to support the district shall  
19 be determined by a vote of the voters of the district in the initial  
20 election as hereinafter provided for. All future increases or decreases  
21 to the district's proposed total tax levy as compared to the total tax  
22 levy in the preceding fiscal year shall be submitted to the residents  
23 voting at the annual election of trustees pursuant to section two of  
24 this act. The question to be placed on the ballot shall be given to the  
25 board of elections of Dutchess county for inclusion on the ballot at  
26 least thirty-six days prior to the annual election. Funds voted for  
27 library proposes at the initial election and at all future elections  
28 shall be considered an annual appropriation therefor and shall be levied  
29 and collected yearly in the same manner and at the same time as other  
30 taxes in the town of LaGrange.

31 2. The town board of the town of LaGrange shall levy a tax against  
32 the real property lying within the LaGrange public library district for  
33 the amount to be raised by tax as approved by the voters of the LaGrange  
34 public library district. The town board shall pay the full amount of the  
35 tax levy approved by the voters over to the treasurer of the LaGrange  
36 public library district by March first of each year. If necessary, the  
37 town board shall issue tax anticipation notes pursuant to article II of  
38 the local finance law to obtain the necessary moneys therefor.

39 3. The town board of the town of LaGrange shall have the power to  
40 authorize, sell, and issue bonds, notes, and other evidences of indebt-  
41 edness pursuant to the local finance law in order to permit the district  
42 to provide facilities or improved facilities for library purposes. Upon  
43 written request from the board of trustees of the LaGrange public  
44 library district, after approval by the qualified voters of such  
45 district, the town board shall authorize, sell, and issue such bonds,  
46 notes, or other evidences of indebtedness as are necessary to accomplish  
47 the improvements specified in the notice. The proceeds of such bonds,  
48 notes, or other evidences of indebtedness shall be paid to the treasurer  
49 of the LaGrange public library district and maintained in a segregated  
50 account in accordance with section 165.00 of the local fiancée law and  
51 expended by the treasurer only on specific authorization by the board of  
52 trustees.

53 4. The board of trustees of the LaGrange public library district may  
54 accept on behalf of the district any absolute gift, devise, or bequest  
55 of real or personal property and such conditional gifts, devises, or  
56 bequests as it shall by resolution approve.

1     5. The treasurer of the LaGrange public library district shall be  
2     custodian of all funds of the district, including gifts and trust funds  
3     paid over to the trustees. The board of trustees may authorize the  
4     investment of funds in the custody of the treasurer in the same manner  
5     in which town funds may be invested. Proceeds of obligations received  
6     from the town may be invested in accordance with section 165.00 of the  
7     local finance law. The town of LaGrange shall promptly pay over to the  
8     LaGrange public library district all monies which belong to or are  
9     raised for the district. No monies shall be disbursed by the treasurer  
10    of the district except after audit by the board of trustees. The board  
11    of trustees of the LaGrange public library district shall audit all  
12    claims and shall order the payment thereof, except as otherwise provided  
13    by this section. No such claims shall be audited or ordered paid by the  
14    trustees unless an itemized voucher therefor shall be presented to the  
15    board of trustees for audit and allowance. The provisions of this  
16    section shall not be applicable to payment of utility costs, claims of  
17    fixed salaries, and amounts which the district may be required to pay on  
18    account of retirement contributions for past or current services to  
19    officers and employees of the district. The treasurer shall keep such  
20    records in such manner as the board of trustees may require.

21    S 5. Charter, commencement of operations, and transfer of property and  
22    employees. The initially elected trustees shall, within forty-five days  
23    from the date of approval of the district by the voters of the district,  
24    apply to the board of regents for a charter as a public library. Upon  
25    the granting of such a charter by the board of regents, title to all  
26    liabilities and assets, including all property, both real and personal,  
27    and both tangible and intangible, all trust and other funds, and all  
28    other obligations, now held by the existing LaGrange library shall be  
29    transferred to, vested in, and be acquired by the district established  
30    by this act. The above provisions for transfer to, vesting and acquisi-  
31    tion of real and personal property, both tangible and intangible, and  
32    all trust and other funds, are effectuated by operation of law pursuant  
33    to the authority of this act, except that, for purposes of clarity of  
34    real property records, deeds of conveyance shall be executed and filed  
35    for any parcels of real property. Upon the transfer of all such proper-  
36    ty, the existing LaGrange library shall be deemed dissolved. Upon the  
37    granting of such charter by the board of regents, all employees of the  
38    existing LaGrange library shall become employees of the district upon the  
39    same terms and conditions of employment and at the same rate of pay as  
40    their previous employment by the existing LaGrange library.

41    S 6. Ad valorem levy. The several lots and parcels of land within the  
42    area of the district are hereby determined to be benefited by the  
43    library facilities and devices existing as of the effective date of this  
44    act, and the town of LaGrange is hereby authorized to assess, levy, and  
45    collect the necessary expenses of operation, maintenance, and repair of  
46    such facilities and services and such capital improvements, including  
47    debt service on bonds, notes, or other evidences of indebtedness of the  
48    town issued for the purpose of the LaGrange public library district, as  
49    may be hereafter authorized pursuant to the provisions of this act from  
50    such lots and parcels of land in the same manner and at the same time as  
51    other town charges.

52    S 7. Education law. Except as otherwise provided by this act, the  
53    provisions of the education law relating to public libraries shall be  
54    applicable to the district established by this act.

55    S 8. In the event that the new district is created, section 5 of chap-  
56    ter 672 of the laws of 1993, amending the public authorities law relat-

1 ing to the construction and financing of facilities for certain public  
2 libraries, is amended to include the LaGrange public library district as  
3 an eligible public library for purposes of title 4 of article 8 of the  
4 public authorities law.

5 S 9. This act shall take effect immediately.