

7259--A

I N S E N A T E

May 8, 2014

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

AN ACT creating the Starr public library district in the town of Rhinebeck, New York; 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 Starr public library district within the provisions of such chapter and providing for financing through the dormitory authority

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 Rhinebeck, county of
4 Dutchess, a public library district which shall be known as the Starr
5 public library district, hereinafter referred to as the district, and
6 which shall consist of all the territory within the town of Rhinebeck.
7 The district will operate a public library to be known as the Starr
8 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 budget in
11 support thereof proposed by the board of trustees of the existing Starr
12 Institute, and nine trustees are elected by a vote of the majority of
13 the qualified voters voting in an election held, not later than January
14 31, 2017, 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 district, the board of
17 trustees of the existing Starr Institute, shall conduct an election at
18 which the issues shall be:
19 (a) whether the public library district herein described with the
20 initial budget in support thereof proposed by the board of trustees of
21 the existing Starr Institute, shall be created or not; and
22 (b) 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.

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1 The board of trustees of the existing Starr Institute, shall give
2 notice of such election by publication of notice at least twice in one
3 or more newspapers having a general circulation in the district to be
4 served. The first publication of such notice shall be not less than
5 thirteen days and not more than twenty days prior to the date of such
6 election. In addition, the board of trustees of the existing Starr
7 Institute, shall cause copies of such notice to be posted conspicuously
8 in three public places in the district at least thirteen days prior to
9 the date of such election. Such notice shall specify the date and time
10 when and the place where such election will be held and the issues to be
11 decided at such election. The board of trustees of the existing Starr
12 Institute, shall designate a resident qualified voter of such district
13 to act as chairperson of any election of such district and shall desig-
14 nate not less than two nor more than six resident qualified voters to
15 act as election inspectors and ballot clerks at such election. No trus-
16 tee of the Starr Institute, shall serve as chairperson or as an election
17 inspector or ballot clerk. The board of trustees of the existing Starr
18 Institute, may adopt a resolution providing that such chairperson,
19 election inspectors and ballot clerks shall be paid reasonable compen-
20 sation for their respective services at such election. Every voter who
21 is a resident of the district and otherwise qualified to vote at a
22 general election in the town shall be qualified to vote at said
23 election. The board of trustees of the existing Starr Institute, may, to
24 the extent authorized by law, authorize the use of absentee ballots for
25 the election. After the polls have closed at such election, the election
26 inspectors and the ballot clerks shall immediately canvass publicly the
27 ballots cast and the chairperson of the election shall publicly announce
28 the result. Within seventy-two hours thereafter, the chairperson,
29 election inspectors and ballot clerks shall execute and file a certifi-
30 cate of the result of the canvass with the board of trustees of the
31 existing Starr Institute, and the town clerk. If a majority of the
32 voters approve the formation of the district with the initial budget in
33 support thereof proposed by the board of trustees of the Starr Insti-
34 tute, then the district shall come into existence on the terms and
35 conditions set forth in this act.

36 2. In the event that the district is created, there shall be an annual
37 election conducted by the board of trustees of the Starr public library
38 district in accordance with the provisions of subdivision one of this
39 section at a time to be set by the board of trustees of the district, at
40 which election vacancies on the board of trustees shall be filled and at
41 which any proposed budget which the board shall determine to submit to
42 the voters pursuant to section four of this act shall be submitted to
43 the voters.

44 3. Candidates for the office of member of the board of trustees of the
45 Starr public library district shall be nominated by petition. No vacan-
46 cy to be filled on the board of trustees shall be considered a separate,
47 specific office. A separate petition shall be required to nominate each
48 candidate for a vacancy on the board. Each petition shall be directed to
49 the secretary of the board of trustees of the existing Starr Institute,
50 shall be signed by at least twenty-five qualified voters of the
51 district, shall state the residence of each signer, and shall state the
52 name and residence of the candidate. In the event that any such nominees
53 shall withdraw their candidacy prior to the election, such person shall
54 not be considered a candidate unless a new petition nominating such
55 person in the same manner and within the same time limitation applicable
56 to other candidates is filed with the secretary of the board of trustees

1 of the existing Starr Institute. Each petition shall be filed with the
2 secretary of the board of trustees of the existing Starr Institute,
3 between the hours of 9:00 a.m. and 5:00 p.m., not later than the thirti-
4 eth day before the election at which the candidates nominated are to be
5 elected. In the event that the new district is created, petitions nomi-
6 nating candidates for the board of trustees for all future elections
7 shall be filed with the secretary of the Starr public library district.

8 S 3. Organization and structure. The Starr public library district
9 shall be managed, operated, and controlled by a board of trustees
10 consisting of nine members. The trustees shall take office at the first
11 regular meeting of the board of trustees following their election. At
12 the first regular meeting of the board of trustees of the district, the
13 trustees shall determine when the terms of office of each member shall
14 expire as follows: the trustees receiving the first, second and third
15 highest number of votes shall each serve for three years, the trustees
16 receiving the fourth, fifth and sixth highest number of votes shall each
17 serve for two years, and the trustees receiving the seventh, eighth and
18 ninth highest number of votes shall each serve for one year. As vacan-
19 cies occur due to expiration of terms of office, trustees shall be
20 elected by the voters of the district at the election provided for by
21 this act to serve three year terms, such terms to commence at the first
22 regular meeting of the board of trustees of the district next following
23 their election. All other vacancies caused by resignation, removal,
24 death, or inability to serve shall be filled by appointment by the board
25 of trustees of the district until the next election, at which time the
26 vacancy shall be filled by election for the remaining portion of the
27 term. At any election where one or more persons are to be elected for
28 the unexpired portion of a term or terms, the candidate receiving the
29 largest number of votes shall be entitled to the full three year term
30 and the candidates receiving the next highest number of votes shall be
31 entitled, in decreasing order of the respective numbers of votes, to the
32 vacancy or vacancies, in decreasing order of the length of the unexpired
33 portion or portions of a term or terms. Only qualified voters of the
34 district shall be eligible for election to the board of trustees. The
35 board of trustees at its first meeting after each annual election shall
36 elect or appoint a president, vice-president, and a secretary, who shall
37 be members of the board, and a treasurer and such other officers as they
38 deem necessary. If the board so determines, the office of treasurer may
39 be held by an individual who is not a member of the board of trustees
40 and, in that event, such officer may, if the board so determines,
41 receive compensation as fixed by resolution of the board.

42 S 4. Finances. 1. The initial budget to support the district shall be
43 determined by a vote of the voters of the district in the initial
44 election as hereinafter provided for. All future budgets that increase
45 or decrease the district's proposed tax levy as compared to the tax levy
46 in the preceding fiscal year's budget shall be submitted to the resi-
47 dents voting at the annual election of trustees pursuant to section two
48 of this act. Funds voted for library purposes at the initial election
49 and at all future elections shall be considered an annual appropriation
50 therefor and shall be levied and collected yearly by the town for the
51 district in the same manner and at the same time as other taxes in the
52 town.

53 2. The district's fiscal year shall run from the first day of January
54 to the thirty-first day of December. The board of trustees of the
55 district shall annually file with the clerk of the town on or before the
56 first day of November an estimate of the proposed budget including costs

1 of library services to be raised by levy for the library district in the
2 fiscal year beginning on the first day of January of the next year. The
3 town shall not make any change in the estimate of revenues or expendi-
4 tures submitted by the board of the district in preparation of its
5 preliminary budget.

6 3. The town board of the town of Rhinebeck shall levy a tax against
7 the real property lying within the district for the amount to be raised
8 by tax as approved by the voters of the district. The town board shall
9 pay the full amount of the tax levy approved by the voters over to the
10 treasurer of the district pursuant to the schedule set forth in this
11 section. The town board shall annually pay over to the treasurer of the
12 district on or before the thirtieth day after its tax collection period
13 ends, the full amount of the levy due. If necessary to meet this sched-
14 ule, the town board may issue tax anticipation notes pursuant to article
15 II of the local finance law to obtain the necessary moneys therefor.

16 4. The town board of the town shall have the power to authorize, sell,
17 and issue bonds, notes, and other evidences of indebtedness pursuant to
18 the local finance law in order to permit the district to provide facili-
19 ties or improved facilities for library purposes. Upon written request
20 from the board of trustees of the district, after approval by the quali-
21 fied voters of such district, the town board shall authorize, sell, and
22 issue such bonds, notes, or other evidences of indebtedness as are
23 necessary to accomplish the improvements specified in the notice. The
24 proceeds of such bonds, notes, or other evidences of indebtedness shall
25 be paid to the treasurer of the district and maintained in a segregated
26 account in accordance with section 165.00 of the local finance law and
27 expended by the treasurer only on specific authorization by the board of
28 trustees.

29 5. The board of trustees of the district may accept on behalf of the
30 district any absolute gift, devise, or bequest of real or personal prop-
31 erty and such conditional gifts, devises, or bequests as it shall by
32 resolution approve.

33 6. The treasurer of the district shall be custodian of all funds of
34 the district, including gifts and trust funds paid over to the trustees.
35 The board of trustees may authorize the investment of funds in the
36 custody of the treasurer in the same manner in which town funds may be
37 invested. Proceeds of obligations received from the town may be invested
38 in accordance with section 165.00 of the local finance law. The town of
39 Rhinebeck shall promptly pay over to the district all monies which
40 belong to or are raised for the district. No monies shall be disbursed
41 by the treasurer of the district except after audit by the board of
42 trustees. The board of trustees of the district shall audit all claims
43 and shall order the payment thereof, except as otherwise provided by
44 this section. No such claims shall be audited or ordered paid by the
45 trustees unless an itemized voucher therefor shall be presented to the
46 board of trustees for audit and allowance. The provisions of this
47 section shall not be applicable to payment of utility costs, claims of
48 fixed salaries, and amounts which the district may be required to pay on
49 account of retirement contributions for past or current services to
50 officers and employees of the district. The treasurer shall keep such
51 records in such manner as the board of trustees may require.

52 S 5. Charter, commencement of operations, and transfer of property and
53 employees. The initially elected trustees of the district shall, within
54 ninety days from the date of approval of the district by the voters of
55 the district, apply to the board of regents for a charter as a public
56 library. Upon the granting of such a charter by the board of regents,

1 title to all liabilities and assets, including all property, both real
2 and personal, and both tangible and intangible, all trust and other
3 funds, and all other obligations, now held by the existing Starr Insti-
4 tute, shall be transferred to, vested in, and be acquired by the
5 district established by this act. The above provisions for transfer to,
6 vesting and acquisition of real and personal property, both tangible and
7 intangible, and all trust and other funds, are effectuated by operation
8 of law pursuant to the authority of this act, except that, for purposes
9 of clarity of real property records, deeds of conveyance shall be
10 executed and filed for any parcels of real property. Upon the transfer
11 of all such property, the existing Starr Institute shall be deemed
12 dissolved. Upon the granting of such charter by the board of regents,
13 all employees of the existing Starr Institute shall become employees of
14 the district upon the same terms and conditions of employment and at the
15 same rate of pay as their previous employment by the existing Starr
16 Institute.

17 S 6. Ad valorem levy. The several lots and parcels of land within the
18 area of the district are hereby determined to be benefited by the
19 library facilities and devices existing as of the effective date of this
20 act, and the town of Rhinebeck is hereby authorized to assess, levy, and
21 collect the necessary expenses of operation, maintenance, and repair of
22 such facilities and services and such capital improvements, including
23 debt service on bonds, notes, or other evidences of indebtedness of the
24 town issued for the purpose of the district, as may be hereafter author-
25 ized pursuant to the provisions of this act from such lots and parcels
26 of land in the same manner and at the same time as other town charges.

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

30 S 8. The district is deemed a special district which is separate and
31 distinct from the town for all purposes, including but not limited to
32 management, appropriations, and expenditures. Any tax levy for the
33 district shall not be charged or imputed to the town, and shall instead
34 be charged or imputed to the district, for purposes of any general or
35 special laws enacted by the legislature.

36 S 9. Section 5 of chapter 672 of the laws of 1993, amending the public
37 authorities law relating to the construction and financing of facilities
38 for certain public libraries, is amended by adding a new subdivision 47
39 to read as follows:

40 47. STARR PUBLIC LIBRARY DISTRICT

41 S 10. This act shall take effect immediately.