

4205

2009-2010 Regular Sessions

I N S E N A T E

April 16, 2009

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

AN ACT in relation to creating the Bloomfield public library district in the county of Ontario

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 Ontario, a public
4 library district in the towns of East Bloomfield and West Bloomfield,
5 and shall be known as the Bloomfield public library district.
6 S 2. Election. 1. The public library district herein described shall
7 not come into existence unless and until it is approved, the initial
8 proposed budget is approved, and seven trustees are elected by a vote of
9 the majority of the qualified voters voting in an election held pursuant
10 to the following provisions:
11 Upon receipt of a petition signed by not less than twenty-five voters
12 qualified to vote at a general election and residing within the area of
13 the proposed district, the board of trustees of the existing Bloomfield
14 library shall give notice of an election to be conducted pursuant to
15 this act. Such election shall be held within one year after this act
16 shall have become a law. If a majority of the voters approve the forma-
17 tion of the district, then the district shall come into existence on the
18 terms and conditions set forth in this act. At such election the issue
19 shall be:
20 (a) whether the public library district therein described shall be
21 created or not;
22 (b) whether the initial budget therefor proposed by the board of trus-
23 tees of the Bloomfield library shall be approved or disapproved; and
24 (c) the election of five to fifteen trustees as provided by section
25 three of this act.

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

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1 The trustees of the existing Bloomfield 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 Bloomfield 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
12 ballots. The board of trustees of the existing Bloomfield library shall
13 prepare the ballots for such elections and the polls shall remain open
14 for the receipt thereof at all elections from 12:00 p.m. until 9:00 p.m.
15 The board of trustees of the existing Bloomfield library shall designate
16 a resident qualified voter of such district to act as chairperson of any
17 election of such district and shall designate not less than two nor more
18 than four resident qualified voters to act as election inspectors and
19 ballot clerks at such elections. No trustee or candidate for the office
20 of trustee shall serve as chairperson or as an election inspector or
21 ballot clerk. The board of trustees may adopt a resolution providing
22 that such chairperson, election inspectors and ballot clerks shall be
23 paid for their respective services at the initial election or at subse-
24 quent elections, should the new library district be created. Such resol-
25 ution, if adopted, may fix reasonable compensation for services of such
26 officials. Every voter, otherwise qualified to vote at a general
27 election and residing within the area of the proposed district shall be
28 qualified to vote at said election. After the polls have closed at such
29 election, the election inspectors and the ballot clerks shall immediate-
30 ly canvass publicly the ballots cast and the chairperson of the election
31 shall publicly announce the result. Within seventy-two hours thereafter,
32 the chairperson, election inspectors, and ballot clerks shall execute
33 and file a certificate of the result of the canvass with the board of
34 trustees and the clerk for the towns of East Bloomfield and West Bloom-
35 field.

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 Bloomfield public
38 library district in accordance with the provisions of subdivision one of
39 this section, at a time to be set by the public library district's
40 board, at which election vacancies on the board of trustees shall be
41 filled and at which any proposed budget which the board shall determine
42 to submit to the voters pursuant to section four of this act shall be
43 submitted to the voters.

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

1 filed with the secretary of the board of trustees between the hours of
2 1:00 p.m. and 5:00 p.m., not later than the thirtieth day preceding the
3 election at which time the candidates nominated are to be elected.
4 Petitions for candidates for the initial board of trustees of the Bloom-
5 field public library district shall be filed with the secretary of the
6 existing Bloomfield library. In the event that the new district is
7 created, petitions nominating candidates for the board of trustees after
8 the initial election shall be filed with the secretary of the Bloomfield
9 public library district.

10 4. At any election in such district, the voters may adopt a proposi-
11 tion providing that, in all subsequent elections, vacancies on the board
12 of trustees shall be considered separate, specific offices and that the
13 nominating petitions shall describe the specific vacancy upon the board
14 of trustees for which the candidate is nominated, which description
15 shall include at least the length of the term of the office and the name
16 of the last incumbent, if any. No person shall be nominated for more
17 than one specific office. Such procedure shall be followed with respect
18 to all nominations and elections in subsequent years until and unless
19 such proposition is repealed by the electors of the district at a regu-
20 lar election by adoption of a proposition to repeal the same.

21 S 3. Organization and structure. The Bloomfield public library
22 district shall be managed, operated, and controlled by a board of trus-
23 tees consisting of seven members. The trustees shall take office on the
24 first day of the month following their election and shall, at the first
25 regular meeting of the board, determine when terms of office of each
26 member shall expire as follows: the two trustees receiving the first and
27 second highest number of votes shall serve for four years, the two trus-
28 tees receiving the third and fourth highest number of votes shall serve
29 for three years, the two trustees receiving the fifth and sixth highest
30 number of votes shall serve for two years and the trustee receiving the
31 seventh highest number of votes shall serve for one year.

32 As vacancies occur, trustees shall be elected at the annual election
33 provided for by this act to serve four year terms by the voters of the
34 library district hereby created, such terms to commence on the first day
35 of the month next following the election. Only qualified voters of the
36 district who have been residents of the public library district for at
37 least one year prior to the election shall be eligible for election to
38 the board of trustees. The board of trustees at its first meeting each
39 fiscal year shall elect or appoint a president and vice-president who
40 shall be members of the board and a secretary, treasurer, and such other
41 officers as they deem necessary. If the board so determines, the offices
42 of secretary and treasurer may be held by individuals who are not
43 members of the board of trustees and, in that event, such officer may,
44 if the board so determines, receive compensation as fixed by resolution
45 of the board.

46 S 4. Finances. 1. The initial budget for the Bloomfield public library
47 district shall be determined by a vote of the voters of the district in
48 the initial election as hereinafter provided for. All future budgets
49 that increase or decrease the Bloomfield public library proposed total
50 operating expenditures over the total operating expenditures in the last
51 preceding fiscal year's budget shall be submitted to the residents
52 voting at the annual election of trustees pursuant to section two of
53 this act. Funds voted for library purposes at the initial election and
54 at all future budget elections shall be considered an annual appropri-
55 ation therefor and shall be levied and collected yearly in the same

1 manner and at the same time as other taxes in the towns of East Bloom-
2 field and West Bloomfield.

3 2. The board of trustees shall annually file with the financial offi-
4 cers of the towns of East Bloomfield and West Bloomfield, the dollar
5 amount to be raised by levy for the library district. The towns shall
6 not make any change in the dollar amount submitted to the towns of East
7 Bloomfield and West Bloomfield by the board of the library district.

8 3. The towns of East Bloomfield and West Bloomfield shall levy a tax
9 against the real property lying within the boundaries of the Bloomfield
10 library district for the amount to be raised by tax as contained in the
11 annual budget of the Bloomfield library district. The towns of East
12 Bloomfield and West Bloomfield may issue tax anticipation notes, revenue
13 anticipation notes, and budget notes pursuant to article 2 of the local
14 finance law to obtain the necessary moneys therefor.

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

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

34 6. The treasurer of the Bloomfield public library district shall be
35 custodian of all funds of the library district, including gifts and
36 trust funds paid over to the trustees. The board of trustees may author-
37 ize the investment of funds in the custody of the treasurer in the same
38 manner in which school district funds may be invested. Proceeds of obli-
39 gations received from the municipality may be invested in accordance
40 with section 165.00 of the local finance law. The towns of East Bloom-
41 field and West Bloomfield shall promptly pay over to the Bloomfield
42 public library district all moneys which belong to or are raised for the
43 library district. No moneys shall be disbursed by the treasurer of the
44 library district except after audit by the board of trustees. The board
45 of trustees of the Bloomfield public library district shall audit all
46 claims and shall order the payment thereof, except as otherwise provided
47 by this section. No such claims shall be audited or ordered paid by the
48 trustees unless an itemized voucher therefor shall be presented to the
49 board of trustees for audit and allowance. The foregoing requirement
50 that no moneys shall be disbursed by the treasurer of the district
51 except after audit by the board of trustees shall not be applicable to
52 payment of claims of fixed salaries and amounts which the library
53 districts may be required to pay on account of retirement contributions
54 for past or current services to officers and employees of the library
55 district. The treasurer shall keep such records in such manner as the
56 board of trustees may require.

1 S 5. Charter, commencement of operations, and transfer of property and
2 employees. The initially elected trustees shall, within thirty days from
3 the date of approval of the library district by the voters of the
4 district, apply to the board of regents for a charter as a public
5 library. Upon the granting of such a charter by the board of regents,
6 then title to all liabilities and assets, including all property, real
7 and personal, and all other tangible and intangible property, trust and
8 other funds, and all other obligations, now held by the existing Bloom-
9 field library shall be transferred to, vested in, and be acquired by the
10 Bloomfield public library district as established by this act. Upon the
11 granting of such charter by the board of regents, all employees of the
12 existing Bloomfield library shall become employees of the library
13 district upon the same terms and conditions of employment and at the
14 same rate of pay as their previous employment by the existing Bloomfield
15 library; further, specifically and notwithstanding any other provision
16 of law to the contrary, the Bloomfield public library district shall
17 become and remain liable to any employees of the existing Bloomfield
18 library who retired prior to December 31, 2009, with regards to continu-
19 ing health insurance coverage to the same extent as the existing Bloom-
20 field library prior to the creation of the Bloomfield public library
21 district.

22 S 6. Ad valorem levy. The several lots and parcels of land within the
23 area of said public library district are hereby determined to be bene-
24 fitted by the library facilities and devices existing as of the effective
25 date of this act, and the towns of East Bloomfield and West Bloomfield
26 are hereby authorized to assess, levy, and collect the necessary
27 expenses of operation, maintenance, and repair of such facilities and
28 services and such capital improvements, including debt service on bonds,
29 notes, or other evidences of indebtedness of the school districts or
30 municipalities issued for the purpose of the Bloomfield public library
31 district, as may be hereafter authorized pursuant to the provisions of
32 this act from such lots and parcels of land in the same manner and at
33 the same time as other municipal or school district charges.

34 S 7. Education law. Except as otherwise provided by this act, the
35 provisions of the education law relating to public libraries shall be
36 applicable to the Bloomfield public library district established by this
37 act.

38 S 8. This act shall take effect immediately.