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I N S E N A T E

April 26, 2010

Introduced by Sen. McDONALD -- read twice and ordered printed, and when printed to be committed to the Committee on Education

AN ACT to provide for the creation of the Brunswick community library district in the county of Rensselaer

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 may be created pursuant to this act in the county of Rensselaer, a  
4 public library district which shall include all of the town of Brun-  
5 swick, and shall be known as the "Brunswick community library district".  
6 S 2. Election. (a) The Brunswick community library district shall not  
7 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 in the district voting in an  
10 election held pursuant to this section. Upon receipt of a petition  
11 signed by not less than fifty voters qualified to vote at a general  
12 election and residing within the area of the proposed district, the  
13 board of trustees of the existing Brunswick community library associ-  
14 ation shall give notice of an election to be conducted pursuant to this  
15 act. Such election shall be held within one year of the effective date  
16 of this act. If a majority of such voters approve the formation of the  
17 district, then the district shall come into existence on the terms and  
18 conditions set forth in this act. At such election the issues shall be:  
19 (i) whether the public library district shall be created or not; (ii)  
20 whether the initial budget therefore proposed by the board of trustees  
21 of the Brunswick community library association shall be approved or  
22 disapproved; and (iii) the election of seven trustees as provided by  
23 section three of this act. The trustees of the existing Brunswick commu-  
24 nity library association shall give notice of such election by the  
25 publication of a notice in one or more newspapers having a general  
26 circulation in the district to be served. The first publication of such  
27 notice shall be not less than thirteen days and not more than twenty  
28 days prior to the date of such election. In addition, the board of trus-

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

tees of the existing Brunswick community library association shall cause copies of such notice to be posted conspicuously in three public places in the district at least thirteen days prior to the date of such election. Such notice shall specify the time when and the place where such election will be held, the issues to be decided at such election and the hours during which polls will be open for the receipt of ballots. The board of trustees of the existing Brunswick community library association shall prepare the ballots for such elections and the polls shall remain open for the receipt thereof at all elections from 12:00 p.m. until 9:00 p.m. The board of trustees of the existing Brunswick community library association shall designate a resident qualified voter of such district to act as chairperson of any election of such district and shall designate not less than two nor more than four resident qualified voters to act as election inspectors and ballot clerks at such elections. No trustee or candidate for the office of trustee shall serve as chairperson or as an election inspector or ballot clerk. The board of trustees may adopt a resolution providing that such chairperson, election inspectors and ballot clerks shall be paid for their respective services at the initial election or at subsequent elections, should the library district be created. Such resolution, if adopted, may fit reasonable compensation for services of such officials. Every voter otherwise qualified to vote at a general election and residing within the area of the proposed district shall be qualified to vote at said election. After the polls have closed at such election, the election inspectors and the ballot clerks shall immediately canvass publicly the ballots cast and the chairperson of the election shall publicly announce the result. Within seventy-two hours thereafter, the chairperson, election inspectors and ballot clerks shall execute and file a certificate of the result of the canvass with the board of trustees of the existing Brunswick community library association and the town clerk of the town of Brunswick.

(b) In the event that the library district is created, there shall be an annual election conducted by the board of trustees of the Brunswick community library district in accordance with the provisions of subdivision (a) of this section, at a time to be set by the library district's board, at which election vacancies on the board of trustees shall be filled and at which any proposed budget which the board shall determine to submit to the voters pursuant to section four of this act shall be submitted to the voters.

(c) Candidates for the office of member of the board of trustees of the Brunswick community library district shall be nominated by petition. No vacancy on the board of trustees to be filled shall be considered a separate, specific office. A separate petition shall be required to nominate each candidate for a vacancy on the board. Each petition shall be directed to the secretary of the board of trustees, shall be signed by at least twenty-five qualified voters of the district, shall state the residence of each signer, and shall state the name and residence of the candidate. In the event that any such nominee shall withdraw candidacy prior to the election, such person shall not be considered a candidate unless a new petition nominating such person in the same manner and within the same time limitation applicable to other candidates is filed with the secretary of the board of trustees. Each petition shall be filed with the secretary of the board of trustees at the library during the hours of operation Monday through Saturday, not later than the thirtieth day preceding the election at which time the candidates nominated are to be elected. Petitions for candidates for the initial board of

1 trustees of the Brunswick community library district shall be filed with  
2 the secretary of the Brunswick community library association. In the  
3 event that the new district is created, petitions nominating candidates  
4 for the board of trustees after the initial election shall be filed with  
5 the secretary of the Brunswick community library district.

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

17 S 3. Organization and structure. The Brunswick community library  
18 district shall be managed, operated and controlled by a board of trus-  
19 tees consisting of seven members. The trustees shall take office on the  
20 first day of the month following their election and shall, at the first  
21 regular meeting of the board, determine when the term of office of each  
22 member shall expire as follows: the three trustees receiving the first,  
23 second and third highest number of votes shall serve for three years;  
24 the two trustees receiving the fourth and fifth highest number of votes  
25 shall serve for two years; and the two trustees receiving the sixth and  
26 seventh highest number of votes shall serve for one year. As vacancies  
27 occur, trustees shall be elected at the annual election provided for by  
28 this act to serve three year terms by the voters of the library district  
29 created pursuant to this act, such terms to commence on the first day of  
30 the month next following the election. Only qualified voters of the  
31 district shall be eligible for election to the board of trustees. The  
32 board of trustees at its first meeting each fiscal year shall elect or  
33 appoint a president and vice-president who shall be members of the board  
34 and a secretary, treasurer and such other officers as they deem neces-  
35 sary. If the board so determines, the offices of secretary and treasurer  
36 may be held by individuals who are not members of the board of trustees  
37 and, in that event, such officers may, if the board so determines,  
38 receive compensation as fixed by resolution of the board.

39 S 4. Finances. (a) The initial budget for the Brunswick community  
40 library district shall be determined by a vote of the voters of the  
41 district in the initial election as provided for in this section. All  
42 future budgets that increased or decreased the Brunswick community  
43 library district proposed total operating expenditures over the total  
44 operating expenditures in the last preceding fiscal year's budget shall  
45 be submitted to the residents voting at the annual election of trustees  
46 pursuant to section two of this act. Funds voted for library purposes at  
47 the initial election and at all future budget elections shall be consid-  
48 ered an annual appropriation therefore and shall be levied and collected  
49 yearly in the same manner and at the same time as other real property  
50 taxes in the town of Brunswick.

51 (b) The board of trustees shall annually file with the financial offi-  
52 cers of the town of Brunswick, the dollar amount to be raised by levy  
53 for the library district. Such town shall not make any change in the  
54 dollar amount submitted to the town of Brunswick by the board of the  
55 library district.

1 (c) The town of Brunswick shall levy a tax against the real property  
2 lying within the district for the amount to be raised by tax as  
3 contained in the annual budget of the Brunswick community library  
4 district. The town of Brunswick may issue tax anticipation notes, reven-  
5 ue anticipation notes and budget notes pursuant to article 2 of the  
6 local finance law to obtain the necessary moneys therefore.

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

21 (e) The board of trustees of the Brunswick community library district  
22 may accept on behalf of the district any absolute gift, devise or  
23 bequest of real or personal property and such conditional gifts, devises  
24 or bequests as it shall by resolution approve.

25 (f) The treasurer of the Brunswick community library district shall be  
26 custodian of all funds of the library district, including gifts and  
27 trust funds paid over to the trustees. The board of trustees may author-  
28 ize the investment of funds in the custody of the treasurer in the same  
29 manner in which town funds may be invested. Proceeds of obligations  
30 received from the town of Brunswick may be invested in accordance with  
31 section 165.00 of the local finance law. The town of Brunswick shall  
32 promptly pay over to the Brunswick community library district all moneys  
33 which belong to or are raised for the library district. No moneys shall  
34 be disbursed by the treasurer of the library district except after audit  
35 by the board of trustees. The board of trustees of the Brunswick commu-  
36 nity library district shall audit all claims and shall order the payment  
37 thereof, except as otherwise provided by this section. No such claims  
38 shall be audited or ordered paid by the trustees unless an itemized  
39 voucher therefore shall be presented to the board of trustees for audit  
40 and allowance. The foregoing requirement that no moneys shall be  
41 disbursed by the treasurer of the district except after audit by the  
42 board of trustees shall not be applicable to payment of claims of fixed  
43 salaries and amounts which the library district may be required to pay  
44 on account of retirement contributions for past or current services to  
45 officers and employees of the library district. The treasurer shall keep  
46 such records in such manner as the board of trustees may require.

47 S 5. Charter, commencement of operations, and transfer of property and  
48 employees. The initially elected trustees shall, within thirty days from  
49 the date of approval of the library district by the voters of the  
50 district, apply to the board of regents for a charter as a public  
51 library. Upon the granting of such a charter by the board of regents,  
52 then title to all liabilities and assets, including all property, real  
53 and personal, and all other tangible and intangible property, trust and  
54 other funds, and all other obligations, held by the Brunswick community  
55 library association shall be transferred to, vested in, and be acquired  
56 by the Brunswick community library district established by this act.

1 Upon the granting of such charter by the board of regents, all employees  
2 of the Brunswick community library association shall become employees of  
3 the library district upon the same terms and conditions of employment  
4 and at the same rate of pay as their previous employment by the Brun-  
5 swick community library association.

6 S 6. Ad valorem levy. The several lots and parcels of land within the  
7 area of the library district are hereby determined to be benefited by  
8 the library facilities and devises existing as of the effective date of  
9 this act, and the town of Brunswick is hereby authorized to assess, levy  
10 and collect the necessary expenses of operation, maintenance and repair  
11 of such facilities and services and such capital improvements, including  
12 debt service on bonds, notes or other evidences of indebtedness of the  
13 library of municipality issued for the purpose of the Brunswick communi-  
14 ty library district, as may be authorized pursuant to the provisions of  
15 this act from such lots and parcels of land in the same manner and at  
16 the same time as other municipal charges.

17 S 7. Education law. Except as otherwise provided by this act, the  
18 provisions of the education law relating to public libraries shall be  
19 applicable to the Brunswick community library district established by  
20 this act.

21 S 8. This act shall take effect immediately.