S T A T E O F N E W Y O R K

10355--B

Cal. No. 959

I N A S S E M B L Y

March 19, 2010

Introduced by M. of A. GORDON -- read once and referred to the Committee on Libraries and Education Technology -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- reported from committee, advanced to a third reading, amended and ordered reprinted, retaining its place on the order of third reading

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

Section 1. Creation of library district. Notwithstanding the provisions of any general, special or local law to the contrary, there may be created pursuant to this act in the county of Rensselaer, a public library district which shall include all of the town of Brunswick, and shall be known as the "Brunswick community library district".

S 2. Election. (a) The Brunswick community library district shall not come into existence unless and until it is approved, the initial proposed budget is approved, and seven trustees are elected by a vote of the majority of the qualified voters in the district voting in an election held pursuant to this section. Upon receipt of a petition signed by not less than fifty voters qualified to vote at a general election and residing within the area of the proposed district, the board of trustees of the existing Brunswick community library association shall give notice of an election to be conducted pursuant to this act. Such election shall be held within one year of the effective date of this act. If a majority of such voters approve the formation of the district, then the district shall come into existence on the terms and conditions set forth in this act. At such election the issues shall be: (i) whether the public library district shall be created or not, and whether the initial budget therefor proposed by the board of trustees of

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

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the Brunswick community library association shall be approved or disapproved; and (ii) the election of seven trustees as provided by section three of this act. The trustees of the existing Brunswick community library association shall give notice of such election by the publication of a notice in one or more newspapers having a general circulation in the district to be served. The first publication of such notice shall be not less than thirteen days and not more than twenty days prior to the date of such election. In addition, the board of trustees 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. Furthermore, the board of trustees, in consultation and cooperation with the board of elections of the county of Rensselaer, shall provide for the distribution and acceptance of absentee ballots in accordance with the provisions of the election law. 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 trustees of the Brunswick community library district shall be filed with the secretary of the Brunswick community library association. In the event that the new district is created, petitions nominating candidates for the board of trustees after the initial election shall be filed with the secretary of the Brunswick community library district.

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

S 3. Organization and structure. The Brunswick community library district shall be managed, operated and controlled by a board of trustees consisting of seven members. The trustees shall take office on the first day of the month following their election and shall, at the first regular meeting of the board, determine when the term of office of each member shall expire as follows: the three trustees receiving the first, second and third highest number of votes shall serve for three years; the two trustees receiving the fourth and fifth highest number of votes shall serve for two years; and the two trustees receiving the sixth and seventh highest number of votes shall serve for one year. Every trustee shall take and file an oath of office pursuant to section 10 of the public officers law within 30 days of taking office. As vacancies occur, trustees shall be elected at the annual election provided for by this act to serve three year terms by the voters of the library district created pursuant to this act, such terms to commence on the first day of the month next following the election. Only qualified voters of the district shall be eligible for election to the board of trustees. The board of trustees at its first meeting each fiscal year shall elect or appoint a president and vice-president who shall be members of the board and a secretary, treasurer and such other officers as they deem necessary. If the board so determines, the offices of secretary and treasurer may be held by individuals who are not members of the board of trustees and, in that event, such officers may, if the board so determines, receive compensation as fixed by resolution of the board.

S 4. Finances. (a) The initial budget for the Brunswick community library district shall be determined by a vote of the voters of the district in the initial election as provided for in this section. All future budgets that increased or decreased the Brunswick community library district proposed total operating expenditures over the total

operating expenditures in the last preceding fiscal year's budget shall be submitted to the residents voting at the annual election of trustees pursuant to section two of this act. Funds voted for library purposes at the initial election and at all future budget elections shall be considered an annual appropriation therefore and shall be levied and collected yearly in the same manner and at the same time as other real property taxes in the town of Brunswick.

(b) The board of trustees shall annually file with the financial officers of the town of Brunswick, the dollar amount to be raised by levy for the library district. Such town shall not make any change in the dollar amount submitted to the town of Brunswick by the board of the library district.

(c) The town of Brunswick shall levy a tax against the real property lying within the district for the amount to be raised by tax as contained in the annual budget of the Brunswick community library district. However, nothing in this act shall be construed as superseding any valid property tax exemptions. The town of Brunswick may issue tax anticipation notes, revenue anticipation notes and budget notes pursuant to article 2 of the local finance law to obtain the necessary moneys therefore.

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

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

(f) The treasurer of the Brunswick community library district shall be custodian of all funds of the library district, including gifts and trust funds paid over to the trustees. The board of trustees may authorize the investment of funds in the custody of the treasurer in the same manner in which town funds may be invested. Proceeds of obligations received from the town of Brunswick may be invested in accordance with section 165.00 of the local finance law. The town of Brunswick shall promptly pay over to the Brunswick community library district all moneys which belong to or are raised for the library district. No moneys shall be disbursed by the treasurer of the library district except after audit by the board of trustees. The board of trustees of the Brunswick community library district shall audit all claims and shall order the payment thereof, except as otherwise provided by this section. No such claims shall be reviewed or ordered paid by the trustees unless an itemized voucher therefore shall be presented to the board of trustees for approval and allowance. The foregoing requirement that no moneys shall be disbursed by the treasurer of the district except after approval by the board of trustees shall not be applicable to payment of claims of

fixed salaries and amounts which the library district may be required to pay on account of retirement contributions for past or current services to officers and employees of the library district. The treasurer shall keep such records in such manner as the board of trustees may require.

S 5. Charter, commencement of operations, and transfer of property and employees. The initially elected trustees shall, within thirty days from the date of approval of the library district by the voters of the district, apply to the board of regents for a charter as a public library. Upon the granting of such a charter by the board of regents, then the Brunswick community library association shall be dissolved, and title to all liabilities and assets, including all property, real and personal, and all other tangible and intangible property, trust and other funds, and all other obligations, held by the Brunswick community library association shall be transferred to, vested in, and be acquired by the Brunswick community library district established by this act. Upon the granting of such charter by the board of regents, all employees of the Brunswick community library association shall become employees of the library district upon the same terms and conditions of employment and at the same rate of pay as their previous employment by the Brunswick community library association, and the employees of the Brunswick community library district shall be subject to the civil service law.

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

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

S 8. Section 5 of chapter 672 of the laws of 1993, amending the public authorities law relating to the construction and financing of facilities for certain public libraries, as separately amended by chapters 233, 283 and 422 of the laws of 2008, is amended to read as follows:

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

Comsewogue Public Library
Rogers Memorial Library Company
Hendrick Hudson Free Library
Riverhead Free Library
Northern Onondaga Public Library District
Suffern Free Library
Haverstraw King's Daughters Public Library
Crandall Public Library
Sayville Library
Monroe Free Library
Harborfields Public Library
Howland Public Library
Patchogue-Medford Library
New City Library

Babylon Public Library
Lindenhurst Memorial Library
Great Neck Library
Caledonia Public Library
Bayport-Blue Point Public Library
The Bryant Library
Swan Library
Bay Shore-Brightwaters Public Library
The Albany Public Library
Elwood Public Library
Peninsula Public Library
Smithtown Special Library District
Goshen Public Library and Historical Society
The Hauppauge Public Library
The Nyack Library
North Merrick Public Library
Southold Free Library
The Hampton Library in Bridgehampton, Inc.
John Jermain Memorial Library
Westhampton Free Library
The Plainview-Old Bethpage Public Library
Commack Public Library
Troy Public Library
BRUNSWICK COMMUNITY LIBRARY DISTRICT

S 9. This act shall take effect immediately; provided, that section eight of this act shall take effect on the same date as the Brunswick community library district shall come into existence pursuant to this act; provided that the trustees of the Brunswick community library district shall notify the legislative bill drafting commission upon the creation of such district pursuant to this act in order that the commission may maintain an accurate and timely effective data base of the official text of the laws of the state of New York in furtherance of effectuating the provisions of section 44 of the legislative law and section 70-b of the public officers law.