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

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I N A S S E M B L Y

April 13, 2010

Introduced by M. of A. P. LOPEZ -- read once and referred to the Committee on Libraries and Education Technology

AN ACT to amend chapter 313 of the laws of 2004 relating to creating the D.R. Evarts library district in a portion of the town of Athens, in relation to filling vacancies on the board of trustees and in relation to budget proposals

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Subdivisions 1 and 3 of section 2 of chapter 313 of the laws of 2004 relating to creating the D.R. Evarts library district in a portion of the town of Athens, are amended to read as follows:

1. The public library district herein described shall not come into existence unless and until it is approved and the initial proposed budget is approved by a vote of the majority of the qualified voters voting in an election held pursuant to the following provisions:

Upon receipt of a petition signed by not less than one hundred voters qualified to vote at a general town election, the board of trustees of the existing D.R. Evarts library shall give notice of an election to be held prior to December 31, 2004. If a majority of the 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 issue shall be:

(a) whether the public library district therein described shall be created or not;

(b) whether the initial budget therefor proposed by the board of trustees of the D.R. Evarts library shall be approved or disapproved; and

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

The trustees of the existing D.R. Evarts library 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 D.R. Evarts library shall cause copies of such notice to be posted conspicuously in three public places

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

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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 [thereof at all elections] WHICH SHALL BE from 7:00 a.m. until 8:00 p.m.; PROVIDED, HOWEVER THAT FOR ALL SUBSEQUENT ELECTIONS THE POLLS SHALL BE OPEN FROM 12:00 P.M. UNTIL 9:00 P.M. The board of trustees of the existing D.R. Evarts library 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 at the polling place which shall be the D.R. Evarts library to act as election inspectors and ballot clerks at such elections. No 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. 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] SEVEN DAYS FOLLOWING THE DAY OF ELECTION, the chairperson, election inspectors, and ballot clerks shall execute and file a certificate of the result of the canvass with the board of trustees and the Athens town clerk.

3. Candidates for the office of member of the board of trustees of the D.R. Evarts 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, EXCEPT FOR VACANCIES FILLED BY APPOINTMENT BETWEEN ANNUAL ELECTIONS AS PROVIDED IN SECTION THREE OF THIS ACT. Each petition shall be directed to the secretary of the board of trustees, shall be signed by at least [fifty] 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 nominees 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 between the hours of 9:00 a.m. and 5:00 p.m., not later than the thirtieth day preceding the election at which time the candidates are to be elected. In the event that the district is created, petitions nominating candidates for the board of trustees after the initial election shall be filed with the secretary of the D.R. Evarts library district.

S 2. Section 3 of chapter 313 of the laws of 2004 relating to creating the D.R. Evarts library district in a portion of the town of Athens, is amended to read as follows:

S 3. Organization and structure. The D.R. Evarts library district shall be managed, operated, and controlled by a board of trustees consisting of nine members. The trustees shall, at the first regular meeting of the board, determine by lot the year in which each of their terms of office expire, and the terms shall expire as follows: after one year three trustees; after two years three trustees; after three years three trustees.

As vacancies occur UPON THE EXPIRATION OF TERMS, 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 hereby created, such terms to commence on the first day of the month next following the election; PROVIDED, HOWEVER THAT A VACANCY OCCURRING ON THE BOARD BETWEEN ANNUAL ELECTIONS MAY BE FILLED BY BOARD APPOINTMENT FOR THE PERIOD REMAINING UNTIL THE NEXT ANNUAL ELECTION IN ACCORDANCE WITH THE BYLAWS OF THE BOARD. 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 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 officer may, if the board so determines, receive compensation as fixed by resolution of the board.

S 3. Section 4 of chapter 313 of the laws of 2004 relating to creating the D.R. Evarts library district in a portion of the town of Athens, is amended to read as follows:

S 4. Finances. 1. The initial budget for the D.R. Evarts library district shall be determined by a vote of the voters of the district in the initial election as hereinafter provided for. All future budgets that PROPOSE TO increase the D.R. Evarts library 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 FOR A VOTE ON THE PROPOSED INCREASE. Funds voted for library purposes at the initial election and at all [future] SUBSEQUENT budget elections shall be considered an annual appropriation therefor and shall be levied and collected yearly in the same manner and at the same time as other taxes in the town of Athens. IN ANY YEAR IN WHICH AN INCREASE HAS BEEN APPROVED, THE ANNUAL APPROPRIATION SHALL BE THE AMOUNT OF THE APPROVED INCREASE TOGETHER WITH THE AMOUNT OF THE LAST PRECEDING FISCAL YEAR'S APPROVED BUDGET. IN ANY YEAR IN WHICH A DECREASE TO THE LAST PRECEDING FISCAL YEAR'S APPROVED BUDGET IS PROPOSED, WHICH PROPOSED DECREASE SHALL BE SUBMITTED TO THE RESIDENTS FOR APPROVAL IN THE SAME MANNER AS A PROPOSED INCREASE, THE ANNUAL APPROPRIATION SHALL BE THE AMOUNT OF THE LAST PRECEDING FISCAL YEAR'S APPROVED BUDGET LESS THE AMOUNT OF THE APPROVED DECREASE. IN ANY YEAR IN WHICH NEITHER AN INCREASE OR DECREASE TO THE LAST PRECEDING FISCAL YEAR'S BUDGET IS APPROVED, THE ANNUAL APPROPRIATION SHALL BE THE AMOUNT OF THE LAST PRECEDING FISCAL YEAR'S BUDGET.

2. The board of trustees shall annually file with the clerk of the town of Athens, on or before the first day of August, an estimate of the proposed budget, including costs of library services, to be raised by levy for the library district in the fiscal year beginning on the first day of January of the following year. The town shall not make any change in the estimate of revenues or expenditures submitted by the board of the library district in preparation of its preliminary budget.

3. The town board of the town of Athens shall levy a tax against the real property lying within the D.R. Evarts library district for the amount to be raised by tax as contained in the annual budget of the D.R. Evarts library district. The town board 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 therefor.

4. The town board of the town of Athens 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 D.R. Evarts library district, after approval by the qualified voters of such district, the town board 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 D.R. Evarts 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.

5. The board of trustees of the D.R. Evarts 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.

6. The treasurer of the D.R. Evarts 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 school district funds may be invested. Proceeds of obligations received from the town may be invested in accordance with section 165.00 of the local finance law. The town of Athens shall promptly pay over to the D.R. Evarts 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] APPROVAL BY THE FINANCE COMMITTEE ESTABLISHED IN ACCORDANCE WITH BYLAWS ADOPTED BY the board of trustees. The FINANCE COMMITTEE OF THE board of trustees of the D.R. Evarts library district shall [audit] REVIEW all claims and shall order the payment thereof, except as otherwise provided by this section. No such claims shall be [audited] REVIEWED or ordered paid by the [trustees] FINANCE COMMITTEE unless an itemized voucher therefor shall be presented to the [board of trustees] FINANCE COMMITTEE for [audit] REVIEW and [allowance] APPROVAL OF PAYMENT. The provisions of this section shall not be applicable to payment of claims of fixed salaries and amounts which the library districts 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.

7. THE BOARD OF TRUSTEES SHALL OBTAIN AN INDEPENDENT AUDIT OR REVIEW OF THE FINANCES OF THE D.R. EVARTS LIBRARY DISTRICT AS AND WHEN REQUIRED BY STATE LAW.

S 4. This act shall take effect immediately.