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

5504

2011-2012 Regular Sessions

I N S E N A T E

May 26, 2011

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

AN ACT in relation to creating the LaGrange public library district in the town of LaGrange, New York

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 is hereby created and established in the town of LaGrange, county of Dutchess, a public library district which shall be known as the LaGrange public library district, hereinafter referred to as the district, and which shall consist of all the territory within the town of LaGrange, hereinafter referred to as the town. The district will operate a public library to be known as the LaGrange public library.

S 2. Election. 1. The district herein described shall not come into existence unless and until it is approved with the initial tax levy in support thereof proposed by the board of trustees of the existing LaGrange library, and nine trustees are elected by a vote of the majority of the qualified voters voting in an election held, not later November 15, 2012, pursuant to the following provisions:

Upon receipt of a petition signed by not less than twenty-five voters qualified to vote at a general election in the town, the board of trustees of the existing LaGrange library shall, at least sixty days prior to the general election, file such petition with the board of elections of Dutchess county which shall cause the board of elections of Dutchess county to give notice of an election to be held with the general election in the town. If a majority of the voters approve the formation of the district with the initial tax levy in support thereof proposed by the board of trustees of the existing LaGrange library, then the district shall come into existence on the terms and conditions set forth in this act. At such election the issue shall be:

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

LBD11825-01-1

(a) whether the public library district herein described with the initial tax levy in support thereof proposed by the board of trustees of the existing LaGrange library shall be created or not; and

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

The board of elections of Dutchess county shall give notice of such election with the general election for the town of LaGrange in accordance with the rules relating to such notice in the election law. In addition, the board of trustees of the existing LaGrange library shall cause copies of such notice to be posted conspicuously in three public places in the district at least fourteen days prior to the date of such election. Such notice shall specify the issues to be decided at such election and that the election will be held as part of the general election. Every voter otherwise qualified to vote at a general election and residing within the town shall be qualified to vote at said election.

2. In the event that the district is created, there shall be an annual election conducted by the board of elections of Dutchess county in accordance with the provisions of subdivision one of this section in conjunction with the general election in the town, at which election vacancies on the board of trustees shall be filled and at which any proposed tax levy which the board shall determine to submit to the voters pursuant to section four of this act shall be submitted to the voters.

3. Candidates for the office of member of the board of trustees of the LaGrange public 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 board of elections of Dutchess county, with a copy to the secretary of the board of trustees of the existing LaGrange library, 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 nominees shall withdraw their 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 board of elections of Dutchess county, with a copy to the secretary of the board of trustees of the existing LaGrange library. Each petition shall be filed with the board of elections of Dutchess county, with a copy to the secretary of the board of trustees of the existing LaGrange library, between the hours of 9:00 a.m. and 5:00 p.m., not later than the thirty-first day of August preceding the general election at which the candidates nominated are to be elected. In the event that the new district is created, petitions nominating candidates for the board of trustees for all future elections shall be filed with the board of elections of Dutchess county, with a copy to the secretary of the LaGrange public library district.

S 3. Organization and structure. The LaGrange public library district shall be managed, operated, and controlled by a board of trustees consisting of nine members. The trustees shall take office on the first day of January following their election. At the first regular meeting of the board of trustees of the district, the trustees shall determine when the terms of office of each member shall expire as follows: the trustees receiving the first, second, and third highest number of votes shall each serve for three years, the trustees receiving the fourth, fifth, and sixth highest number of votes shall each serve for two years, and

the trustees receiving the seventh, eighth, and ninth highest number of votes shall each serve for one year. As vacancies occur due to expiration of terms of office, trustees shall be elected by the voters of the district at the election provided for by this act to serve three year terms, such terms to commence on the first day of January next following the election. All other vacancies caused by resignation, removal, death, or inability to serve shall be filled by appointment by the board of trustees of the district for the remaining portion of the term being filled. 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 4. Finances. 1. The initial tax levy to support the district shall be determined by a vote of the voters of the district in the initial election as hereinafter provided for. All future increases or decreases to the district's proposed total tax levy as compared to the total tax levy in the preceding fiscal year shall be submitted to the residents voting at the annual election of trustees pursuant to section two of this act. The question to be placed on the ballot shall be given to the board of elections of Dutchess county for inclusion on the ballot at least thirty-six days prior to the annual election. Funds voted for library proposes at the initial election and at all future 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 LaGrange.

2. The town board of the town of LaGrange shall levy a tax against the real property lying within the LaGrange public library district for the amount to be raised by tax as approved by the voters of the LaGrange public library district. The town board shall pay the full amount of the tax levy approved by the voters over to the treasurer of the LaGrange public library district by March first of each year. If necessary, the town board shall issue tax anticipation notes pursuant to article II of the local finance law to obtain the necessary moneys therefor.

3. The town board of the town of LaGrange 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 district to provide facilities or improved facilities for library purposes. Upon written request from the board of trustees of the LaGrange public 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 LaGrange public library district and maintained in a segregated account in accordance with section 165.00 of the local fiancee law and expended by the treasurer only on specific authorization by the board of trustees.

4. The board of trustees of the LaGrange public 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.

5. The treasurer of the LaGrange public library district shall be custodian of all funds of the 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 may be invested in accordance with section 165.00 of the local finance law. The town of LaGrange shall promptly pay over to the LaGrange public library district all monies which belong to or are raised for the district. No monies shall be disbursed by the treasurer of the district except after audit by the board of trustees. The board of trustees of the LaGrange public library district shall audit all claims and shall order the payment thereof, except as otherwise provided by this section. No such claims shall be audited or ordered paid by the trustees unless an itemized voucher therefor shall be presented to the board of trustees for audit and allowance. The provisions of this section shall not be applicable to payment of utility costs, claims of fixed salaries, and amounts which the district may be required to pay on account of retirement contributions for past or current services to officers and employees of the 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 forty-five days from the date of approval of the 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, title to all liabilities and assets, including all property, both real and personal, and both tangible and intangible, all trust and other funds, and all other obligations, now held by the existing LaGrange library shall be transferred to, vested in, and be acquired by the district established by this act. The above provisions for transfer to, vesting and acquisition of real and personal property, both tangible and intangible, and all trust and other funds, are effectuated by operation of law pursuant to the authority of this act, except that, for purposes of clarity of real property records, deeds of conveyance shall be executed and filed for any parcels of real property. Upon the transfer of all such property, the existing LaGrange library shall be deemed dissolved. Upon the granting of such charter by the board of regents, all employees of the exiting LaGrange library shall become employees of the district upon the same terms and conditions of employment and at the same rate of pay as their previous employment by the existing LaGrange library.

S 6. Ad valorem levy. The several lots and parcels of land within the area of the district are hereby determined to be benefited by the library facilities and devices existing as of the effective date of this act, and the town of LaGrange 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 town issued for the purpose of the LaGrange public library district, as may be hereafter 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 town 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 district established by this act.

S 8. In the event that the new district is created, section 5 of chapter 672 of the laws of 1993, amending the public authorities law relat-

ing to the construction and financing of facilities for certain public libraries, is amended to include the LaGrange public library district as an eligible public library for purposes of title 4 of article 8 of the public authorities law.

S 9. This act shall take effect immediately.