

7259--A

I N S E N A T E

May 8, 2014

Introduced by Sen. GIPSON -- read twice and ordered printed, and when printed to be committed to the Committee on Corporations, Authorities and Commissions -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT creating the Starr public library district in the town of Rhinebeck, New York; 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 Starr public library district within the provisions of such chapter and providing for financing through the dormitory authority

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 town of Rhinebeck, county of  
4 Dutchess, a public library district which shall be known as the Starr  
5 public library district, hereinafter referred to as the district, and  
6 which shall consist of all the territory within the town of Rhinebeck.  
7 The district will operate a public library to be known as the Starr  
8 library.

9 S 2. Election. 1. The district herein described shall not come into  
10 existence unless and until it is approved with the initial budget in  
11 support thereof proposed by the board of trustees of the existing Starr  
12 Institute, and nine trustees are elected by a vote of the majority of  
13 the qualified voters voting in an election held, not later than January  
14 31, 2017, pursuant to the following provisions:

15 Upon receipt of a petition signed by not less than twenty-five voters  
16 qualified to vote at a general election in the district, the board of  
17 trustees of the existing Starr Institute, shall conduct an election at  
18 which the issues shall be:

19 (a) whether the public library district herein described with the  
20 initial budget in support thereof proposed by the board of trustees of  
21 the existing Starr Institute, shall be created or not; and

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

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

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1 The board of trustees of the existing Starr Institute, shall give  
2 notice of such election by publication of notice at least twice in one  
3 or more newspapers having a general circulation in the district to be  
4 served. The first publication of such notice shall be not less than  
5 thirteen days and not more than twenty days prior to the date of such  
6 election. In addition, the board of trustees of the existing Starr  
7 Institute, shall cause copies of such notice to be posted conspicuously  
8 in three public places in the district at least thirteen days prior to  
9 the date of such election. Such notice shall specify the date and time  
10 when and the place where such election will be held and the issues to be  
11 decided at such election. The board of trustees of the existing Starr  
12 Institute, shall designate a resident qualified voter of such district  
13 to act as chairperson of any election of such district and shall desig-  
14 nate not less than two nor more than six resident qualified voters to  
15 act as election inspectors and ballot clerks at such election. No trus-  
16 tee of the Starr Institute, shall serve as chairperson or as an election  
17 inspector or ballot clerk. The board of trustees of the existing Starr  
18 Institute, may adopt a resolution providing that such chairperson,  
19 election inspectors and ballot clerks shall be paid reasonable compen-  
20 sation for their respective services at such election. Every voter who  
21 is a resident of the district and otherwise qualified to vote at a  
22 general election in the town shall be qualified to vote at said  
23 election. The board of trustees of the existing Starr Institute, may, to  
24 the extent authorized by law, authorize the use of absentee ballots for  
25 the election. After the polls have closed at such election, the election  
26 inspectors and the ballot clerks shall immediately canvass publicly the  
27 ballots cast and the chairperson of the election shall publicly announce  
28 the result. Within seventy-two hours thereafter, the chairperson,  
29 election inspectors and ballot clerks shall execute and file a certifi-  
30 cate of the result of the canvass with the board of trustees of the  
31 existing Starr Institute, and the town clerk. If a majority of the  
32 voters approve the formation of the district with the initial budget in  
33 support thereof proposed by the board of trustees of the Starr Insti-  
34 tute, then the district shall come into existence on the terms and  
35 conditions set forth in this act.

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

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

1 of the existing Starr Institute. Each petition shall be filed with the  
2 secretary of the board of trustees of the existing Starr Institute,  
3 between the hours of 9:00 a.m. and 5:00 p.m., not later than the thirti-  
4 eth day before the election at which the candidates nominated are to be  
5 elected. In the event that the new district is created, petitions nomi-  
6 nating candidates for the board of trustees for all future elections  
7 shall be filed with the secretary of the Starr public library district.

8 S 3. Organization and structure. The Starr public library district  
9 shall be managed, operated, and controlled by a board of trustees  
10 consisting of nine members. The trustees shall take office at the first  
11 regular meeting of the board of trustees following their election. At  
12 the first regular meeting of the board of trustees of the district, the  
13 trustees shall determine when the terms of office of each member shall  
14 expire as follows: the trustees receiving the first, second and third  
15 highest number of votes shall each serve for three years, the trustees  
16 receiving the fourth, fifth and sixth highest number of votes shall each  
17 serve for two years, and the trustees receiving the seventh, eighth and  
18 ninth highest number of votes shall each serve for one year. As vacan-  
19 cies occur due to expiration of terms of office, trustees shall be  
20 elected by the voters of the district at the election provided for by  
21 this act to serve three year terms, such terms to commence at the first  
22 regular meeting of the board of trustees of the district next following  
23 their election. All other vacancies caused by resignation, removal,  
24 death, or inability to serve shall be filled by appointment by the board  
25 of trustees of the district until the next election, at which time the  
26 vacancy shall be filled by election for the remaining portion of the  
27 term. At any election where one or more persons are to be elected for  
28 the unexpired portion of a term or terms, the candidate receiving the  
29 largest number of votes shall be entitled to the full three year term  
30 and the candidates receiving the next highest number of votes shall be  
31 entitled, in decreasing order of the respective numbers of votes, to the  
32 vacancy or vacancies, in decreasing order of the length of the unexpired  
33 portion or portions of a term or terms. Only qualified voters of the  
34 district shall be eligible for election to the board of trustees. The  
35 board of trustees at its first meeting after each annual election shall  
36 elect or appoint a president, vice-president, and a secretary, who shall  
37 be members of the board, and a treasurer and such other officers as they  
38 deem necessary. If the board so determines, the office of treasurer may  
39 be held by an individual who is not a member of the board of trustees  
40 and, in that event, such officer may, if the board so determines,  
41 receive compensation as fixed by resolution of the board.

42 S 4. Finances. 1. The initial budget to support the district shall be  
43 determined by a vote of the voters of the district in the initial  
44 election as hereinafter provided for. All future budgets that increase  
45 or decrease the district's proposed tax levy as compared to the tax levy  
46 in the preceding fiscal year's budget shall be submitted to the resi-  
47 dents voting at the annual election of trustees pursuant to section two  
48 of this act. Funds voted for library purposes at the initial election  
49 and at all future elections shall be considered an annual appropriation  
50 therefor and shall be levied and collected yearly by the town for the  
51 district in the same manner and at the same time as other taxes in the  
52 town.

53 2. The district's fiscal year shall run from the first day of January  
54 to the thirty-first day of December. The board of trustees of the  
55 district shall annually file with the clerk of the town on or before the  
56 first day of November an estimate of the proposed budget including costs

1 of library services to be raised by levy for the library district in the  
2 fiscal year beginning on the first day of January of the next year. The  
3 town shall not make any change in the estimate of revenues or expendi-  
4 tures submitted by the board of the district in preparation of its  
5 preliminary budget.

6 3. The town board of the town of Rhinebeck shall levy a tax against  
7 the real property lying within the district for the amount to be raised  
8 by tax as approved by the voters of the district. The town board shall  
9 pay the full amount of the tax levy approved by the voters over to the  
10 treasurer of the district pursuant to the schedule set forth in this  
11 section. The town board shall annually pay over to the treasurer of the  
12 district on or before the thirtieth day after its tax collection period  
13 ends, the full amount of the levy due. If necessary to meet this sched-  
14 ule, the town board may issue tax anticipation notes pursuant to article  
15 II of the local finance law to obtain the necessary moneys therefor.

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

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

33 6. The treasurer of the district shall be custodian of all funds of  
34 the district, including gifts and trust funds paid over to the trustees.  
35 The board of trustees may authorize the investment of funds in the  
36 custody of the treasurer in the same manner in which town funds may be  
37 invested. Proceeds of obligations received from the town may be invested  
38 in accordance with section 165.00 of the local finance law. The town of  
39 Rhinebeck shall promptly pay over to the district all monies which  
40 belong to or are raised for the district. No monies shall be disbursed  
41 by the treasurer of the district except after audit by the board of  
42 trustees. The board of trustees of the district shall audit all claims  
43 and shall order the payment thereof, except as otherwise provided by  
44 this section. No such claims shall be audited or ordered paid by the  
45 trustees unless an itemized voucher therefor shall be presented to the  
46 board of trustees for audit and allowance. The provisions of this  
47 section shall not be applicable to payment of utility costs, claims of  
48 fixed salaries, and amounts which the district may be required to pay on  
49 account of retirement contributions for past or current services to  
50 officers and employees of the district. The treasurer shall keep such  
51 records in such manner as the board of trustees may require.

52 S 5. Charter, commencement of operations, and transfer of property and  
53 employees. The initially elected trustees of the district shall, within  
54 ninety days from the date of approval of the district by the voters of  
55 the district, apply to the board of regents for a charter as a public  
56 library. Upon the granting of such a charter by the board of regents,

1 title to all liabilities and assets, including all property, both real  
2 and personal, and both tangible and intangible, all trust and other  
3 funds, and all other obligations, now held by the existing Starr Insti-  
4 tute, shall be transferred to, vested in, and be acquired by the  
5 district established by this act. The above provisions for transfer to,  
6 vesting and acquisition of real and personal property, both tangible and  
7 intangible, and all trust and other funds, are effectuated by operation  
8 of law pursuant to the authority of this act, except that, for purposes  
9 of clarity of real property records, deeds of conveyance shall be  
10 executed and filed for any parcels of real property. Upon the transfer  
11 of all such property, the existing Starr Institute shall be deemed  
12 dissolved. Upon the granting of such charter by the board of regents,  
13 all employees of the existing Starr Institute shall become employees of  
14 the district upon the same terms and conditions of employment and at the  
15 same rate of pay as their previous employment by the existing Starr  
16 Institute.

17 S 6. Ad valorem levy. The several lots and parcels of land within the  
18 area of the district are hereby determined to be benefited by the  
19 library facilities and devices existing as of the effective date of this  
20 act, and the town of Rhinebeck is hereby authorized to assess, levy, and  
21 collect the necessary expenses of operation, maintenance, and repair of  
22 such facilities and services and such capital improvements, including  
23 debt service on bonds, notes, or other evidences of indebtedness of the  
24 town issued for the purpose of the district, as may be hereafter author-  
25 ized pursuant to the provisions of this act from such lots and parcels  
26 of land in the same manner and at the same time as other town charges.

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

30 S 8. The district is deemed a special district which is separate and  
31 distinct from the town for all purposes, including but not limited to  
32 management, appropriations, and expenditures. Any tax levy for the  
33 district shall not be charged or imputed to the town, and shall instead  
34 be charged or imputed to the district, for purposes of any general or  
35 special laws enacted by the legislature.

36 S 9. Section 5 of chapter 672 of the laws of 1993, amending the public  
37 authorities law relating to the construction and financing of facilities  
38 for certain public libraries, is amended by adding a new subdivision 47  
39 to read as follows:

40 47. STARR PUBLIC LIBRARY DISTRICT

41 S 10. This act shall take effect immediately.