

7785

I N S E N A T E

May 12, 2016

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

AN ACT to amend chapter 524 of the laws of 1987, relating to establishing the Greater Poughkeepsie library district, in the city and town of Poughkeepsie, Dutchess county, in relation to the election of trustees and the annual budget of such library

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

1 Section 1. Section 6 of chapter 524 of the laws of 1987, relating to  
2 establishing the Greater Poughkeepsie library district, in the city and  
3 town of Poughkeepsie, Dutchess county, as amended by chapter 361 of the  
4 laws of 1997, is amended to read as follows:  
5 S 6. (A) The district shall be governed by a board of trustees  
6 consisting of eleven trustees. [The trustees of the Greater Poughkeepsie  
7 library district as of the effective date of the chapter of the laws  
8 of 1997 which added this provision shall become trustees, immediately,  
9 of the Poughkeepsie public library district.] Seven of the trustees  
10 shall be elected at an election to be held within the town and four of  
11 the trustees shall be elected at an election to be held within the  
12 portion of the district located in the city. The trustees elected at the  
13 election in the town must be residents of the town and the trustees  
14 elected in the city must be residents of the city.  
15 [The trustees] (B) A TRUSTEE shall serve for a term of five years and  
16 until his or her successor is elected and qualified. [Two-thirds of the  
17 trustees shall constitute a quorum. Action of the trustees shall require  
18 a two-thirds vote of the entire board. Vacancies shall be filled by  
19 appointment by the trustees, provided, however, that an election shall  
20 be held at the first available general election day after the happening  
21 of a vacancy.] VACANCIES CAUSED BY RESIGNATION, REMOVAL, DEATH, OR  
22 INABILITY TO SERVE SHALL BE FILLED BY APPOINTMENT BY THE BOARD OF TRUS-  
23 TEES OF THE DISTRICT UNTIL THE NEXT GENERAL ELECTION, AT WHICH TIME THE  
24 VACANCY SHALL BE FILLED BY ELECTION FOR THE REMAINING PORTION OF THE  
25 TERM. ELECTION OF TRUSTEES SHALL TAKE PLACE ON THE SAME DAY AND BALLOT  
26 AS THE GENERAL ELECTION AS ADMINISTERED BY THE BOARD OF ELECTIONS WITH

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

LBD15117-02-6

1 THE RESULTS OF SAID ELECTION BEING CERTIFIED BY THE BOARD OF ELECTIONS.  
2 The person or persons appointed by the trustees shall serve until a  
3 successor is elected and qualified as provided herein. Vacancies for  
4 trustees elected within the city shall be filled by city residents and  
5 vacancies for trustees elected within the town shall be filled by town  
6 residents.

7 (C) TWO-THIRDS OF THE TRUSTEES SHALL CONSTITUTE A QUORUM. ACTION OF  
8 THE TRUSTEES SHALL REQUIRE A TWO-THIRDS VOTE OF THE ENTIRE BOARD.

9 (D) THE BOARD OF TRUSTEES OF THE POUGHKEEPSIE PUBLIC LIBRARY DISTRICT  
10 SHALL GIVE NOTICE OF ELECTIONS BY PUBLICATION OF NOTICE AT LEAST TWICE  
11 IN ONE OR MORE NEWSPAPERS HAVING A GENERAL CIRCULATION IN THE DISTRICT  
12 TO BE SERVED. THE FIRST PUBLICATION OF SUCH NOTICE SHALL BE NOT LESS  
13 THAN THIRTEEN DAYS AND NOT MORE THAN TWENTY DAYS PRIOR TO THE DATE OF  
14 SUCH ELECTION. IN ADDITION, THE BOARD OF TRUSTEES OF THE DISTRICT SHALL  
15 CAUSE COPIES OF SUCH NOTICE TO BE POSTED CONSPICUOUSLY IN THREE PUBLIC  
16 PLACES IN THE DISTRICT AT LEAST THIRTEEN DAYS PRIOR TO THE DATE OF SUCH  
17 ELECTION. SUCH NOTICE SHALL SPECIFY THE DATE AND TIME WHEN AND THE PLACE  
18 WHERE SUCH GENERAL ELECTION WILL BE HELD. EVERY VOTER WHO IS A RESIDENT  
19 OF THE DISTRICT AND OTHERWISE QUALIFIED TO VOTE AT A GENERAL ELECTION IN  
20 THE TOWN OR CITY SHALL BE QUALIFIED TO VOTE AT SAID ELECTION. THE BOARD  
21 OF TRUSTEES MAY, TO THE EXTENT AUTHORIZED BY LAW AND IN CONJUNCTION WITH  
22 THE BOARD OF ELECTIONS, AUTHORIZE THE USE OF ABSENTEE BALLOTS FOR THE  
23 ELECTION. AFTER THE POLLS HAVE CLOSED AT SUCH ELECTION, THE BOARD OF  
24 ELECTIONS SHALL CERTIFY THE RESULTS OF SAID ELECTION IN ACCORDANCE WITH  
25 APPLICABLE LAW.

26 (E) CANDIDATES FOR THE OFFICE OF MEMBER OF THE BOARD OF TRUSTEES OF  
27 THE POUGHKEEPSIE PUBLIC LIBRARY DISTRICT SHALL BE NOMINATED BY PETITION.  
28 NO VACANCY TO BE FILLED ON THE BOARD OF TRUSTEES SHALL BE CONSIDERED A  
29 SEPARATE, SPECIFIC OFFICE. A SEPARATE PETITION SHALL BE REQUIRED TO  
30 NOMINATE EACH CANDIDATE FOR A VACANCY ON THE BOARD. EACH PETITION SHALL  
31 BE DIRECTED TO THE SECRETARY OF THE BOARD OF TRUSTEES OF THE LIBRARY,  
32 SHALL BE SIGNED BY AT LEAST TWENTY-FIVE QUALIFIED VOTERS OF THE  
33 DISTRICT, SHALL STATE THE RESIDENCE OF EACH SIGNER, AND SHALL STATE THE  
34 NAME AND RESIDENCE OF THE CANDIDATE. IN THE EVENT THAT ANY SUCH NOMINEES  
35 SHALL WITHDRAW THEIR CANDIDACY PRIOR TO THE ELECTION, SUCH PERSON SHALL  
36 NOT BE CONSIDERED A CANDIDATE UNLESS A NEW PETITION NOMINATING SUCH  
37 PERSON IN THE SAME MANNER AND WITHIN THE SAME TIME LIMITATION APPLICABLE  
38 TO OTHER CANDIDATES IS FILED WITH THE SECRETARY OF THE BOARD OF TRUSTEES  
39 OF THE LIBRARY. EACH PETITION SHALL BE FILED WITH THE SECRETARY OF THE  
40 BOARD OF TRUSTEES OF THE LIBRARY, BETWEEN THE HOURS OF 9:00 A.M. AND  
41 5:00 P.M., NOT LATER THAN THE THIRTIETH DAY BEFORE THE ELECTION AT WHICH  
42 THE CANDIDATES NOMINATED ARE TO BE ELECTED.

43 S 2. Subdivision (b) of section 3 of chapter 524 of the laws of 1987,  
44 relating to establishing the Greater Poughkeepsie library district, in  
45 the city and town of Poughkeepsie, Dutchess county, as amended by chap-  
46 ter 361 of the laws of 1997, is amended to read as follows:

47 (b) Commencing in 1997 for the budget to be prepared for fiscal year  
48 1998 the proposed annual budget, and propositions of supplemental appro-  
49 priations, if any, and a proposition for capital expenditure, if any,  
50 for the district as established by the trustees shall be placed before  
51 the voters in the general election ON THE SAME DAY AND BALLOT AS THE  
52 GENERAL ELECTION AS ADMINISTERED BY THE BOARD OF ELECTIONS WITH THE  
53 RESULTS OF SAID ELECTION BEING CERTIFIED BY THE BOARD OF ELECTIONS in  
54 the year preceding the year for which the proposed budget has been  
55 established. Each proposition for supplemental appropriation shall iden-  
56 tify a singular purpose and specific dollar appropriation and shall be

1 worded in such a manner as to require an affirmative vote for passage.  
2 All budget propositions, including the annual budget propositions for  
3 supplemental appropriations, and propositions for capital expenditures  
4 will require approval by a majority of voters in the city and, also, a  
5 majority of voters in the town, hereinafter referred to as the majority.  
6 Upon approval of such proposed operating budget, and of the proposition  
7 for supplemental appropriations, and of the proposition authorizing  
8 indebtedness for capital construction by the majority, the proposed  
9 budget including the supplemental appropriations and capital revenues  
10 and expenditures shall become the budget of the district for the follow-  
11 ing fiscal year. In the event that the proposition for indebtedness is  
12 approved by the majority, the city and the town shall incur such indebt-  
13 edness on behalf of the district, and such indebtedness shall be appor-  
14 tioned between the city and the town pursuant to the formula set forth  
15 in this section. In the event that the proposed budget is not approved  
16 by the majority, the proposed budget shall be deemed amended so that the  
17 portion of the proposed budget providing for real property tax revenue  
18 to be received from the city and town be changed to equal the real prop-  
19 erty tax revenue provided for in the district budget in effect as of the  
20 time of the vote as amended by the supplemental appropriations if  
21 approved. In the event that a proposition for supplemental appropri-  
22 ations or for capital purposes is not approved by the majority, no  
23 appropriation shall be included for such unapproved proposition. In the  
24 event that the voters do not approve the proposed budget as aforesaid,  
25 and upon the proposed budget being deemed amended as aforesaid, the real  
26 property taxes to be levied by the city and the town for the district  
27 shall be levied in an amount required to provide the city and town  
28 contribution as herein set forth rather than the city and town contrib-  
29 ution as set forth in the proposed budget. After the annual budgets for  
30 the city and the town have been adopted by the city and the town, the  
31 city and town shall assess and levy upon the taxable real property with-  
32 in the district the amounts to be raised by tax for the purposes of the  
33 district as specified in the district's annual budget and shall cause  
34 the amount so assessed and levied to be collected, in the same manner  
35 and at the same time and by the same officers as city taxes and town  
36 taxes are assessed, levied and collected.  
37 S 3. This act shall take effect immediately.