STATE OF NEW YORK

7082

2023-2024 Regular Sessions

IN ASSEMBLY

May 10, 2023

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

AN ACT to amend chapter 203 of the laws of 1957 authorizing the town of Ballston, Saratoga county, to establish a public library for that part of the town located outside of the incorporated village of Ballston Spa, in relation to providing for the election of trustees and voter approval of the tax levy of such library district; 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 Ballston Community Public Library

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Chapter 203 of the laws of 1957 authorizing the town of Ballston, Saratoga county, to establish a public library for that part of the town located outside of the incorporated village of Ballston Spa, is amended to read as follows:

Section 1. **1. Creation of public library district.** Notwithstanding the provisions of any general or local law to the contrary, the town of Ballston, Saratoga county, is hereby authorized, by action of a majority of its electors residing outside of the limits of the village of Ballston Spa, to establish a public library with or without branches, and such town is hereby authorized to raise money by tax, to equip and maintain such library or libraries and to provide a building or rooms for its or their use. Such tax shall be a charge upon the taxable property of that part of the town outside of the limits of the village of Ballston Spa. [~~Such town is hereby authorized to acquire real or personal property for the purposes of such library or libraries by gift, grant, devise, bequest or condemnation. Except as otherwise provided by this act, the provisions of the education law relating to public libraries~~

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

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~~shall be applicable to a public library established in pursuance of this act.~~]

2. A vote having been held on the 5th day of November 1957, creating a library district as authorized by section one of this act, there was hereby created and established in the county of Saratoga, a public library district that includes the area created by the geographic boundaries of the town of Ballston excluding the village of Ballston Spa. The public library district has been operating as the Ballston Community Public Library.

§ 2. Election. 1. The public library district described in this act shall not operate as proposed in sections two through seven of this act unless and until the budget proposed per this act 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 twenty-five voters qualified to vote at a general town election, the board of trustees of the existing Ballston Community Public Library shall give notice and hold a public hearing regarding this proposal to create a public library district, not less than thirty days prior to an election to be held on or before November 15, 2023, or if the budget does not pass, November 15, 2024. 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 initial budget proposed by the board of trustees of the Ballston Community Public Library shall be created or not; and (b) the election of seven trustees as provided by this act. The trustees of the Ballston Community Public 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 thirty days prior to the date of such election. In addition, the board of trustees of the Ballston Community Public Library shall cause copies of such notice to be posted conspicuously in three public places in the district at least thirty days prior to the date of such election and on the library's web page. 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 from 7:00 a.m. until 9:00 p.m. The board of trustees of the Ballston Community Public 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 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. Such resolution, if adopted, shall fix reasonable compensation for the services of such officials. Every voter of the district, otherwise qualified to vote at a town election shall be qualified to vote at such 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 certif-

icate of the result of the canvass with the board of trustees and the town clerk of Ballston.

2. In the event that the budget is authorized, there shall thereafter be an annual election conducted by the board of trustees of the Ballston Community Public Library in accordance with the provisions of subdivision one of this section, at a time to be set by the 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.

3. Candidates for the office of member of the board of trustees of the Ballston Community Public Library 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 his or her 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 nominated are to be elected. In the event the Ballston Community Public Library levy is approved, petitions nominating candidates for the board of trustees after the initial election shall be filed with the secretary of the Ballston Community Public Library.

4. At any election in 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 elections 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.

§ 3. Organization and structure. The Ballston Community Public Library shall be managed, operated and controlled by a board of trustees consisting of seven members, but in no event shall the board of trustees consist of fewer than five members or more than fifteen. 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 two trustees; after two years two trustees; after three years three trustees. 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 public library district hereby created, 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 year shall elect or appoint a president and vice-president who shall be members of the board and a secretary, treas-

urer 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.

§ 4. Finances. 1. The initial budget for the Ballston Community Public Library to be levied upon the special district per this act shall be determined by a vote of the voters of the district in the initial election as hereinafter provided. All future budgets that increase the Ballston Community Public 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. Funds voted for library purposes at the initial election and at all future 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 Ballston.

2. The board of trustees of the Ballston Community Public Library shall annually file with the clerk of the town of Ballston 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. The town board of the town of Ballston 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 Ballston Community Public Library.

3. The town board of the town Ballston 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 Ballston Community Public Library to provide facilities or improved facilities for library purposes. Upon written request from the board of trustees of the Ballston Community Public Library, 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 resolution, or any agreement with the library, may provide that the library shall remunerate the town for the costs incurred by effecting such bonds, notes and other evidences of indebtedness. The proceeds of such bonds, notes or other evidences of indebtedness shall be paid to the treasurer of the Ballston Community Public Library 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.

4. The board of trustees of the Ballston Community Public Library may accept on behalf of the district any absolute gift, grant, devise or bequest of real or personal property and such conditional gifts, grants, devises or bequests as by resolution approved.

5. The treasurer of the Ballston Community Public Library 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 Ballston shall

promptly pay over to the Ballston Community Public Library 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 Ballston Community 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 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.

§ 5. Charter, bylaws and transfer. The current charter of the Ballston Community Public Library is consistent with this legislation. The initial elected trustees shall, within thirty days from the date of approval of the library budget and new trustees by the voters of the district, adopt revised bylaws consistent with this legislation. The library, which has operated as a special district library since 1957, shall continue to operate, uninterrupted, regardless of whether the budget and election of trustees goes into effect. The town may transfer title to any existing or future real property to the library, or grant a 99-year lease for an agreed upon rental rate, with optional renewal and right of first refusal in the event of transfer, for the purposes of operating a library or branch of the library within the district.

§ 6. Ad valorem levy. The several lots and parcels of land within the area of such public library 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 Ballston 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 issued for the purpose of the Ballston Community Public Library as may be hereafter authorized pursuant to the provisions of this act from such lots and parcels of land within the library district, outside of the limits of the village of Ballston Spa, in the same manner and at the same time as other town charges.

§ 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 Ballston Community Public Library operating as established by this act.

§ 8. This act shall take effect immediately.

§ 2. 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, is amended by adding a new subdivision 55 to read as follows:

55. Ballston Community Public Library.

§ 3. This act shall take effect immediately; provided, however, that section two of this act shall take effect sixty days after the initial budget proposed in section 2 of chapter 203 of the laws of 1957 authorizing the town of Ballston, Saratoga county, to establish a public library for that part of the town located outside of the incorporated village of Ballston Spa, as amended by section one of this act, is approved by a vote of the majority of the qualified voters voting in an election as provided in such chapter.