

LAWS OF NEW YORK, 2005

CHAPTER 380

AN ACT in relation to establishing the Chemung county library district

Became a law August 2, 2005, with the approval of the Governor.

Passed by a majority vote, three-fifths being present.

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 county of Chemung a public library district which shall include all of the territory within the county of Chemung. The public library district shall be known as the Chemung county library district.

§ 2. Election. 1. The Chemung county 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 by each of the boards of trustees of the Steele Memorial Library and the Horseheads Free Library, respectively, of identical petitions each signed by at least twenty-five voters qualified to vote at a general county election, the boards of trustees of the Steele Memorial Library and the Horseheads Free Library, jointly, shall give notice of an election to be conducted pursuant to the provisions of this act. Such election shall be held within one year after this act shall have become a law. If a majority of the voters of the county approve the formation of the library district, then the district shall come into existence on the terms and conditions set forth in this act. At such election the issues shall be:

(a) whether the library district shall be created or not; and

(b) whether the budget therefor proposed by the boards of trustees of the Steele Memorial Library and the Horseheads Free Library shall be approved or disapproved.

The trustees of the existing Steele Memorial Library and the Horseheads Free Library, jointly, 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 boards of trustees of the existing Steele Memorial Library and the Horseheads Free Library shall cause copies of such notice to be posted conspicuously in fifteen public places within the county 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. The polling places to be used shall be designated by the boards of trustees of the Steele Memorial Library and the Horseheads Free Library. The boards of trustees of the Steele Memorial Library and the Horseheads Free Library

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

shall designate a resident qualified voter to act as chairperson of the election and shall designate not less than two nor more than four resident qualified voters to act as election inspectors and ballot clerks at each polling place. No trustee shall serve as chairperson or as an election inspector or ballot clerk. The boards of trustees of the Steele Memorial Library and the Horseheads Free Library may adopt a resolution providing that such chairpersons, election inspectors and ballot clerks shall be paid for their respective services at elections. Such resolution, if adopted, may fix reasonable compensation for the services of such official. Every voter of the district otherwise qualified to vote at a general county election shall be qualified to vote at said 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 certificate of the result of the canvass with the boards of trustees of the Steele Memorial Library and the Horseheads Free Library and with the Chemung county clerk.

Upon approval of the formation of the Chemung county library district based on the initial election to be held pursuant to this subdivision, the board of trustees of the Steele Memorial Library shall appoint ten library district trustees, one residing in each of county legislative districts 2, 7, 8, 9, 10, 11, 12, 13, 14 and 15; and the Horseheads Free Library shall appoint five library district trustees, one residing in each of county legislative districts 1, 3, 4, 5 and 6. Each appointee must be a qualified voter of the Chemung county library district at the time of appointment and throughout his or her respective term.

2. In the event that the Chemung county library district is created, there shall be an annual election conducted by the board of trustees of the district in accordance with the election procedures provided in subdivision one of this section, at a time to be set by the district 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 Chemung county library district shall be nominated by petition. A separate petition shall be required to nominate each candidate for a vacancy on the board. In the event the library district is created, petitions nominating candidates for the district board of trustees shall be filed with the secretary of the Chemung county library district. Each petition shall be signed by at least twenty-five qualified voters of the election district in which the vacancy occurs, 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 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 limitations 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 thirty-sixth day preceding the election at which time the candidates nominated are to be elected. The candidate receiving the largest number of votes in an election district shall be elected to fill the vacancy on the board occurring in such election

district. In the event there are no candidates from an election district, the library board may appoint a qualified voter from the election district to serve on the board until the next annual district election.

§ 3. Organization and structure. 1. The Chemung county library district shall be managed, operated and controlled by a board of trustees consisting of fifteen members. The library district shall have fifteen election districts corresponding to the fifteen legislative districts within the county of Chemung. The board of trustees may adjust the election districts from time to time to conform to any adjustments to the legislative districts in the county of Chemung.

2. The trustees shall at the first regular meeting of the district 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 five trustees; after two years five trustees; after three years five trustees. As vacancies occur, trustees shall be elected at the annual election provided for by this act to serve three-year terms, such terms to commence on the first day of the fiscal year of the library district next following the election. No member shall serve more than nine consecutive years. 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 fiscal 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.

§ 4. Finances. 1. The initial budget for the Chemung county library district shall be determined by a vote of the voters of the district in the initial election as hereinafter provided. All future budgets that increase or decrease the appropriation last approved by the voters shall be submitted by the library board to the residents of the library district for approval by a majority of those residents voting at the annual election. 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 county of Chemung.

2. The board of trustees shall annually file with the clerk of the county of Chemung an estimate of the budget to be raised by levy for the library district for the following fiscal year. The county shall not make any change in the estimate of the budget submitted by the board of the library district.

3. The Chemung county legislature shall levy a tax against the real property lying within the county of Chemung for the amount to be raised by tax as contained in the annual budget of the Chemung county library district. The county legislature may issue tax anticipation notes, anticipation revenue notes pursuant to article 2 of the local finance law to obtain the necessary moneys thereof.

4. The Chemung county legislature 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 Chemung county library district, the Chemung county legislature shall determine whether the

county will consent to authorize, sell and issue such bonds, notes or other evidences of indebtedness as are necessary to accomplish the improvements specified in the request. Upon such consent by the county legislature and subsequent resolution of the board of trustees and approval by the qualified voters of the library district, the county shall authorize, sell and issue such bonds, notes or other evidences of indebtedness as are necessary to accomplish the improvements specified in the request. The proceeds of such bonds, notes or other evidences of indebtedness shall be paid to the treasurer of the Chemung county 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 Chemung county 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 Chemung county 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 county may be invested in accordance with section 165.00 of the local finance law. The county shall promptly pay over to the Chemung county 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 the board of trustees. The board of trustees of the 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 foregoing requirement that no moneys shall be disbursed by the treasurer of the library district except after audit by the board of trustees 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, commencement of operations, and transfer of property and employees. 1. The initial trustees shall, within thirty days from the date of approval of the library 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 library property, both real and personal, tangible and intangible, trust and other funds, now held by the Steele Memorial Library, the Horseheads Free Library, their boards of trustees, or the county of Chemung shall be transferred to, vest in, and be acquired by the Chemung county library district established by this act. Upon the granting of such charter by the board of regents, all employees of the Steele Memorial Library and the Horseheads Free Library shall become employees of the library district upon the same terms and conditions of employment as their previous employment by the Steele Memorial Library or the Horseheads Free Library.

2. Upon creation, the Chemung county library district shall continue to operate all existing outlets of the Steele Memorial Library Association and the Horseheads Free Library Association. If the board of trus-

tees demonstrates that it would like to close the Steele Memorial Library or the Horseheads Free Library, it may only do so upon approval of the qualified voters of the library district by a separate resolution voted upon at the same time as the annual budget of the library district.

§ 6. Ad valorem levy. The several lots and parcels of land within the area of said 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 county of Chemung 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 county issued for the purpose of the Chemung county 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 county 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 Chemung county library district established by this act.

§ 8. This act shall take effect immediately.

The Legislature of the STATE OF NEW YORK ss:

Pursuant to the authority vested in us by section 70-b of the Public Officers Law, we hereby jointly certify that this slip copy of this session law was printed under our direction and, in accordance with such section, is entitled to be read into evidence.

JOSEPH L. BRUNO

Temporary President of the Senate

SHELDON SILVER

Speaker of the Assembly