

ORGANIZING A LIBRARY

The New York State Library's Division of Library Development assists local communities and groups that wish to establish a public library, and works in partnership with public library system staff to provide assistance with the establishment and chartering processes. Concerned individuals should contact their regional liaison at the Division of Library Development
<http://www.nysl.nysed.gov/libdev/ldroster.htm#pls>.

Libraries are organized by a board or a group of individuals who wish to provide public library services to a community. The first concerns of any organizing library board are to:

- acquire adequate funding
- acquire an adequate facility

However, before applying for a charter, there are numerous things the organizing group needs to consider:

- What geographic/municipal area will the library serve?
- Is there an existing public library in that service area?
- How will the public library be funded?

CHARTERS

The State Education Department's Office of Counsel *Law Pamphlet 9* provides information about charter conditions and procedures. The general conditions under which the Regents issue charters are set forth in that publication. Copies of *Law Pamphlet 9* may be obtained at <http://www.counsel.nysed.gov/pamphlet9/>.

- Regents charters establish not-for-profit educational corporations such as public libraries. These corporations are governed by independent boards of trustees and are not departments of municipalities or school districts.
- A newly established library is usually granted a provisional charter valid for five years. In exceptional circumstances, the provisional charter may be issued for a shorter period of time or the library may be granted an absolute charter in the first instance.
- Within one year of being granted a charter, the library should apply for registration.
 - Registration allows libraries to receive any type of public funding.
 - Libraries must meet Minimum Public Library Standards per the Regulations of the Commissioner
http://www.nysl.nysed.gov/libdev/excerpts/finished_regs/902.htm

- At least four months prior to the expiration of the provisional charter, the library's board of trustees must apply for either an extension of the provisional charter or an absolute charter. Staff of the New York State Library's Division of Library Development will:
 - review the application
 - prepare an analysis of the library
 - recommend either an extension of provisional charter, or issuance of an absolute charter
- Once the library is established, a board's responsibilities are to:
 - secure and maintain adequate funding
 - set policy
 - appoint a qualified director
- To petition for an absolute charter, the library must indicate:
 - growth of resources used to support the services the library delivers to the public
 - growth of collections, services and use of services
 - adequate staffing
 - the degree to which it has a prominent, vital position in the community it serves

AMENDMENTS

Charters may be amended to:

- change corporate name of the library
- change number and/or term length of the trustees
- change the method of trustee selection
- change or designate the library's service area
- add IRS 501(c)(3) language for not-for-profit corporations
- add language designating the Commissioner of Education as agent of the corporation upon whom process in any action or proceeding against it may be served

DISSOLUTION

The Board of Regents dissolve libraries with Regents charters that are defunct or have changed type, *i.e.*, from association to public.

COPIES OF CHARTERS

Copies of charters may be obtained by contacting the

Office of the Board of Regents
Room 110 EB
Albany, N.Y. 12234
(518) 474-5889
(518) 486-2405 (fax)

- Requests can be made by phone; telephone requests must be followed up with a written request (letter or fax)
- The library must indicate copies requested – provisional, absolute and/or amendment(s), and must provide date(s) of charter action(s). Note: if the library does not have charter dates, the Regents Office will contact the Division of Library Development for the information
- There is no charge for copies
- Copies are mailed within two weeks

For more information on Chartering a Public Library in New York State and the New York State Library:

Visit the New York State Library's Division of Library Development website at:

www.nysl.nysed.gov/libdev/
or phone (518) 474-7890

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New York State Library

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