

LAWS OF NEW YORK, 2000

CHAPTER 233

AN ACT in relation to authorizing the town boards of the towns of Oyster Bay and North Hempstead, county of Nassau, to establish the Gold Coast public library district

Became a law August 16, 2000, 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. Short title. This act shall be known and may be cited as the "Gold Coast public library district act".

§ 2. Establishment. Notwithstanding the provisions of any general, special or local law to the contrary, there is hereby created and established in the towns of Oyster Bay and North Hempstead, Nassau county, a public library district which shall include the geographic boundaries consisting of all of that part of central school district number one in the towns of Oyster Bay and North Hempstead exclusive of the portion thereof within the incorporated village of Sea Cliff, the area of said public library district being bounded on the north by said incorporated village of Sea Cliff and by the city school district of the city of Glen Cove also known as school district number five, on the east by Locust Valley central school district number three, on the south by Jericho union free school district number fifteen and Roslyn union free school district number three, and on the west by Hempstead Harbor and the incorporated village of Sea Cliff.

§ 3. Election. 1. The public library district described in this act 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 of a petition signed by not less than one hundred voters qualified to vote at a general election, the town boards of the towns of Oyster Bay and North Hempstead shall give notice of an election. If a majority of the voters at said election approved the formation of the district, then the district shall come into existence on the terms and conditions set forth hereinafter. At said election the issues shall be: (a) whether the public library district described in this act shall be created or not; (b) whether the budget therefor proposed shall be approved or disapproved; and (c) the election of nine trustees as further provided by this act. The town board shall designate a polling place which is centrally located and accessible. The town boards shall give notice of said 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 town board shall cause copies of such notice to be posted conspicuously in five public places within the proposed district at least thirteen days prior to the date of such election. Such notice shall specify the time when and the place where

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

such election will be held, the issues to be decided at said election and the hours during which polls will be open for the receipt of ballots thereof. The town boards 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 residents qualified to act as election inspectors and ballot clerks at such elections. Every voter, otherwise qualified to vote at a general election within the area of the proposed district shall be qualified to vote at said election. After the polls have closed at said 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 town clerks of the towns of Oyster Bay and North Hempstead.

2. In the event that the district is created, there shall be an annual election conducted by the board of trustees of the Gold Coast library district in accordance with the provisions of subdivision one of this section, 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 five of this act shall be submitted to the voters.

3. Candidates for the office of member of the board of trustees of the library district shall be nominated by petition. A separate petition shall be required to nominate each candidate for a vacancy on the board. Each petition shall be directed to the town clerk of Oyster Bay, shall be signed by at least fifty 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 candidacy prior to the election, such person shall not be considered a candidate unless and until a new petition nominating such person in the same manner and within the same time limitation applicable to other candidates is filed with the town clerk of the town of Oyster Bay. Each petition shall be filed with the town clerk of Oyster Bay between the hours of 9:00 a.m. and 5:00 p.m., not later than the thirteenth day preceding the election at which time the candidates nominated are to be elected. In the event the district is created, petitions nominating candidates for the board of trustees after the initial election shall be filed with the secretary of the Gold Coast public library district.

4. No vacancy on the board of trustees to be filled shall be considered a separate specific office. 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.

§ 4. Organization and structure. The library district shall be managed, operated and controlled by a board of trustees consisting of nine members. The trustees shall at the first regular meeting of the board determine when terms of office of each member shall expire. The

term of three trustees shall expire on the last day in the second December after the establishment of the library district and each year thereafter the term of three trustees shall expire. As vacancies occur trustees shall be elected at an annual election to be held on the first Tuesday in the month of December. 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, 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.

§ 5. Finances. 1. The initial budget for the library district shall be determined by a vote of the voters of the district in the initial election as provided for in this act. All future budgets that increase or decrease the library district's 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 three 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 municipalities served by the district.

2. The board of trustees shall annually file with the clerk of each of the municipalities within the district on or before the first day of February an estimate of the proposed budget including costs of providing library services to be raised by levy for the library district in the fiscal year beginning on the first day of July of that year. The municipalities 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.

3. The towns of Oyster Bay and North Hempstead shall each levy a tax against the real property lying within the library district for the amount to be raised by tax as contained in the annual budget of the Gold Coast public library district.

4. The board of trustees of the 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.

5. The treasurer of the 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 may be invested in accordance with section 165.00 of the local finance law. 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 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 services to officers and employees of the library district. The

treasurer shall keep records in such manner as the board of trustees may require.

§ 6. Library services. 1. The board of trustees of the Gold Coast library district shall have the authority to provide library services to the residents of the district by contracting for same with the trustees of any public or free association library registered with the board of regents of the university of the state of New York, or with any municipal or district body having control of a public library registered with the board of regents of the university of the state of New York, or with the trustees of a cooperative library system approved by the commissioner of education to furnish library services to the people of the district for whose benefit the contract is made, under such terms and conditions as may be stated in such contract.

2. The contract shall not be entered into until a public hearing has been held by the board of trustees. Notice of the hearing shall be published at least once in at least one newspaper having general circulation in the district. The notice shall specify the time when and place where the hearing will be held, and describe in general terms the proposed contract. The first publication shall be at least ten days prior to the date specified for the hearing.

3. Ratification of the contract shall not take place unless and until the board of trustees of the Gold Coast library district and the board of trustees of the library or library system with which the Gold Coast library district intends to contract have both approved such contract by a majority vote.

4. The term of the contract shall be for a definite period of time, but in no event shall the term exceed five years.

5. By mutual consent of the contracting parties, and after a public hearing held pursuant to notice in the manner aforesaid, any such contract may be (a) entered into, (b) amended, (c) terminated, or (d) terminated and a new contract may be entered into in lieu thereof, if the board of trustees of the Gold Coast library district, after such hearing, shall determine, by resolution, that it is in the public interest to do so. Such notice shall state in general terms the reason why any existing contract is to be amended or terminated, and if a new contract is to be entered into the notice shall also describe the new contract in general terms.

6. Within ten days after the signing of the contract to provide library services, a copy of the contract shall be filed by the town clerk of the town of Oyster Bay with the division of library development at the education department of the state of New York.

7. Any amount agreed to be paid for library services under any such contract shall be a charge upon the Gold Coast library district and shall be paid directly to the treasurer of the free association library, public library, or the cooperative library system which is providing the contracted services.

8. The board of trustees shall have all other powers as provided by law.

§ 7. Ad valorem levy. The several lots and parcels of land within the area of said public library district are hereby determined to be benefited by the library services existing as of the effective date of this act and the towns of Oyster Bay and North Hempstead are hereby authorized to assess, levy and collect the necessary expenses of such district, including debt service on bonds, notes or other evidences of indebtedness issued for the purpose of the 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 charges.

§ 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