

To  
Amy

## Chapter 456

## CRANDALL PUBLIC LIBRARY DISTRICT--CREATION

AN ACT to authorize the establishment of a public library district for the town of Moreau, in the county of Saratoga, the city of Glens Falls, in the county of Warren and the town of Queensbury, in the county of Warren

Approved and effective July 17, 1992.

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

- § 1 Section 1. Notwithstanding the provisions of any general, special or local law to the contrary, there is hereby created and established in the town of Moreau, in the county of Saratoga, the city of Glens Falls, in the county of Warren and the town of Queensbury, in the county of Warren, a public library district which shall be known as the Crandall public library district.
- § 2 § 2. Definitions. For the purposes of this act:
- a. "Board" shall mean the board of trustees of the Crandall public library district.
  - b. "Municipalities" shall mean the city of Glens Falls, the town of Queensbury and the town of Moreau.
  - c. "Municipality" shall mean the city of Glens Falls, the town of Queensbury or the town of Moreau.
  - d. "Qualified voter" shall mean a person who is registered to vote in general elections in a municipality.
  - e. "Registered library users" shall mean persons who are registered with the Crandall public library district to borrow library materials, as shown in the records of the Southern Adirondack library system.
- § 3 § 3. Election. a. The public library district herein described shall not come into existence unless and until it is approved by a vote of the majority of the qualified voters of each of the municipalities casting votes at an election conducted as hereinafter provided. Upon receipt of a petition signed by not less than twenty-five voters qualified to vote in a city of Glens Falls election, a petition signed by not less than twenty-five voters qualified to vote in a town of Queensbury election and a petition signed by not less than twenty-five voters qualified to vote in a town of Moreau election, the board of trustees of the Crandall library shall give notice of an election to be conducted during the general election in November, 1992. At such election the issues shall be:

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1. whether the public library district herein described shall be § 3 created or not;
2. whether the initial annual budget proposed by the board of trustees of the Crandall library shall be approved or disapproved; and
3. the election of three trustees to the board as hereinafter provided.

At the initial election, one trustee each shall be elected from the city of Glens Falls, the town of Queensbury and the town of Moreau. The board of trustees of the Crandall library shall give notice of such election by the publication of a notice at least once in the officially designated newspaper of each municipality. Publication of such notice shall be not less than thirteen days nor more than twenty days prior to the date of such election. In addition, the board of trustees of the Crandall library shall cause copies of such notice to be posted conspicuously in at least one public place in each of the municipalities at least thirteen days prior to the date of such election. Such notice shall specify the time and places such election will be held, the issues to be decided at said election and the hours during which the polls will be open. The polling places to be used and the hours such polling places are to be open shall be as required for the general election. The expense of the initial election in each municipality shall be borne by that municipality.

b. In the event that the creation of the public library district is approved, there shall be annual elections conducted by the board at times to be set by the board, at which vacancies on the board shall be filled and at which any proposed budget which the board shall determine to submit, pursuant to section five of this act, shall be submitted to the voters. At the annual election, the board shall give notice of such election by the publication of a notice at least once in the officially designated newspaper of each municipality. Publication of such notice shall be not less than thirteen days nor more than twenty days prior to the date of such election. In addition, the board shall cause copies of such notice to be posted conspicuously in at least one public place in each of the municipalities at least thirteen days prior to the date of such election. Such notice shall specify the time and places such election will be held, the issues to be decided at said election and the hours during which the polls will be open. At an election held other than at a general election, the board shall designate the polling places to be used and shall prepare or cause the ballots to be prepared for such election. The polls at such an election shall remain open for the receipt of ballots from noon until nine o'clock in the afternoon and such additional consecutive hours prior thereto as the board may have

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§ 3 determined and specified in the notice thereof. At an election held other than at a general election, the board shall designate a resident of each of the municipalities to act as chairperson of the election in such municipality and shall designate not less than two residents to act as election inspectors and ballot clerks at each polling place. No trustee of the board shall serve as such chairperson or as an election inspector or ballot clerk. The board may adopt a resolution providing that such chairpersons, election inspectors and ballot clerks shall be paid for their respective services at such election. Such resolution, if adopted, may fix reasonable compensation for the services of each official. Every qualified voter of the municipalities shall be entitled to vote at such election. After the polls have been closed at such election, the election inspectors and ballot clerks shall immediately canvass publicly the ballots cast and the chairpersons of the election in each of the municipalities shall publicly announce the results. Within seventy-two hours thereafter, the chairpersons, election inspectors and ballot clerks shall execute and file a certificate of the result of the canvass with the board and with the clerks of the city of Glen Falls, the town of Queensbury and the town of Moreau.

c. Absentee ballots. Upon proper application, a qualified voter may vote as an absentee. At an election held at the general election, the qualifications and procedures governing absentee voting shall be as provided by law with respect to such general election. At an election held other than at the general election, the qualifications and procedures governing absentee voting shall be established by the board.

d. Candidates for the office of member of the board shall be nominated by petition. A separate petition shall be required to nominate each candidate for vacancies on the board occurring in the city of Glen Falls, the town of Queensbury and the town of Moreau. Each petition shall be directed to the secretary of the board and shall be signed by at least twenty-five qualified voters of the municipality in which the vacancies occur. Each petition shall state the residence of each signer and shall state the name and residence of the candidate, and, in the event that any such nominee shall withdraw his 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 if filed with the secretary of the board. Each petition shall be filed in the office of the secretary of the board between the hours of nine o'clock in the forenoon and five o'clock in the afternoon on a date to be set by the board, which shall be, in no event, later than the thirty-sixth day preceding the election at which the candidates are to be elected. The candidates receiving the largest number of votes in each municipality shall be elected to fill the vacancies on the board occurring in each such municipality.

e. No vacancy upon the board to be filled shall be considered a separate office. At any election of the public library district, the voters may adopt a proposition providing that, in all subsequent elec-

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tions, vacancies upon the board shall be considered separate specific offices and that the nominating petitions shall describe the specific vacancy upon the board for which the candidate is nominated, which description shall include at least the length of the term of 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 voters of the public library district at an election by the adoption of a proposition to repeal the same. § 3

§ 4. Organization and structure. a. General. The public library district shall be managed, operated and controlled by the board consisting of fifteen members, as follows: the members of the board of trustees of the Crandall library in office on the date the public library district comes into existence, less one member from each of the municipalities to be determined by such board of trustees; and the three trustees elected at the initial election. The trustees shall at the first regular meeting of the board determine by lot the year in which each of their terms of office shall expire, as follows: three trustees' terms shall expire after one year; three trustees' terms shall expire after two years; three trustees' terms shall expire after three years; three trustees' terms shall expire after four years; three trustees' terms shall expire after five years. As vacancies occur trustees shall be elected at elections herein provided for to serve for five year terms by the voters of the municipalities, such terms to commence on the first day of January next succeeding the election. Only qualified voters of the municipalities shall be eligible for election to the board. The board, 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 it deems necessary. If the board so determines, the offices of secretary and treasurer may be held by individuals who are not members of the board and, in that event, such officers may, if the board so determines, receive compensation as fixed by resolution of the board. § 4

b. Allotment of representation on the board. Of the fifteen members of the board, five members shall be residents of the city of Glens Falls; six members shall be residents of the town of Queensbury; and four members shall be residents of the town of Moreau. Vacancies occurring on the board other than by expiration of a term shall be filled by appointment by the board for the unexpired term. The board shall have authority to and shall alter the allotment of representation on the board to continue the proportion of the city of Glens Falls, town of Queensbury and town of Moreau representation on the board in conformity with the actual demographics of the public library district based on current United States Bureau of the Census data. Notwithstanding the provisions of this paragraph, at no time shall there be an allotment of representation on the board to any municipality of less than four members, nor more than seven members.

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§ 5. Finances. a. General: Except as hereinafter provided, the initial annual budget for the public library district shall not be adopted unless and until it is approved by a vote of a majority of the qualified voters of each of the municipalities casting votes at an election as hereinbefore provided. All future annual budgets that increase or decrease the appropriation last provided for by the annual budget shall be submitted to the voters of the public library district for approval by a majority of the qualified voters of the municipalities casting votes at an election. Appropriations for library purposes provided in the initial annual budget and in subsequent annual budgets shall, unless otherwise directed by vote, be considered as annual appropriations therefor until changed by further vote and shall be levied and collected yearly in the same manner and at the same time as other municipal charges. If the initial annual budget or a subsequent annual budget for the public library district is not approved, then the board may resubmit the same or a revised annual budget for consideration of the voters at a subsequent election conducted pursuant to subdivision b of section three of this act. In the event that the public library district is created, but the initial annual budget is not approved at the initial election or at a subsequent election, if resubmitted by the board, the public library district and each of the municipalities may enter into a one year contract for a single annual appropriation, in an amount to be agreed upon, to be made from the general revenues of each of such municipalities. The public library district shall adopt a budget based upon the contracted level of municipal appropriations and the budget thus adopted shall be established as the initial annual budget for the public library district.

b. Prior to any election upon a public library district budget, public hearings in each of the municipalities shall be held at which time the board shall meet to hear all persons interested therein. Such hearings shall be held not less than twenty nor more than thirty days prior to the date set for the public library district budget vote. Notice of such public hearings shall be published at least once in the officially designated newspaper of each municipality. At least five days shall elapse between the date of the first publication of the notice and the dates specified for the hearings.

c. The board shall annually file with the clerk of each of the municipalities an estimate of the proposed budget including costs of library services to be raised by levy for the public library district in the fiscal year beginning on the succeeding first day of January. The municipalities shall not make any change in the estimate of revenues or expenditures submitted by the board in preparation of its preliminary budget.

d. The town boards of Moreau and Queensbury and the city council of the city of Glens Falls shall each levy a local assessment upon the real property lying within the boundaries of their municipalities for their

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shares of the total public library district expenditures to be raised by an ad valorem assessment in accordance with the provisions hereof. The share to be raised by each municipality shall be equal to the sum of: § 5

1. One-half of the total amount to be raised by levy of an ad valorem assessment against all property within the public library district multiplied by the quotient determined by dividing the number of registered library users in the municipality by the total number of registered library users in the municipalities determined as of December 31 of the preceding year, plus;

2. One-half of the total amount to be raised by levy of an ad valorem assessment against all property within the public library district multiplied by the quotient determined by dividing the full assessed valuation of the municipality by the full assessed valuation of the public library district. The term "full assessed valuation" shall mean the valuation which is derived by dividing the assessed valuation of the real property concerned as shown on the last completed assessment roll of each municipality by the equalization rates established by the authorized state officer or agency for such rolls of each municipality, of the property lying within each municipality.

e. The town boards of Moreau and Queensbury and the city council of the city of Glens Falls shall have the power to authorize, sell and issue bonds, notes or other evidences of indebtedness pursuant to the local finance law in order to permit the public library district to provide facilities or improve facilities for public library purposes. The approval of each municipality shall be required for the authorization, sale and issuance of its respective allocable share of such bonds, notes or other evidences of indebtedness for such purposes, and such approval shall be subject to permissive referendum in each municipality. The authorization, sale and issuance of any approved bonds, notes, or other evidences of indebtedness shall be allocated between the municipalities in the same proportions as are the amount of revenues raised by tax for public library district purposes. The proceeds of such bonds, notes, or other evidences of indebtedness shall be paid to the treasurer of the public library district and maintained in a segregated fund in accordance with section 165.00 of the local finance law and expended by the treasurer only on specific authorization by the board.

f. The board may accept on behalf of the public library 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.

g. The treasurer of the board shall be the custodian of all funds of the public library district including gifts and trust funds paid over to the trustees. The board may authorize the investment of funds in the custody of the treasurer. Funds received from the municipalities may be invested in accordance with section 165.00 of the local finance law. The town supervisors of the towns of Moreau and Queensbury and the mayor of the city of Glens Falls shall pay to the public library district all

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- § 5 moneys which belong to or are raised on behalf of the public library district. No moneys shall be disbursed by the treasurer except after audit by the board. The board shall audit all claims and shall order the payment thereof, except as otherwise provided by this subdivision. No such claims shall be audited or ordered paid by the trustees unless an itemized voucher therefor, certified or verified by or on behalf of the claimant in such form as the board of trustees shall prescribe, shall be presented to the board for audit or allowance. The provisions of this section shall not be applicable to payment of claims of fixed salaries and amounts which the public library district may be required to pay on account of retirement contributions for past and current services to officers and employees of the public library district. The treasurer shall keep such records and in such manner as the board may require.
- § 6 § 6. Charter, commencement of operations, and transfer of property and employees. The initial board shall, within thirty days from the date of approval of the public 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, the title to all personal property, tangible and intangible, now held by the Crandall library shall be transferred to, vest in, and be acquired by the public library district hereby established. Upon the granting of such a charter by the board of regents, all employees of the Crandall library shall become employees of the public library district upon the same terms and conditions of employment and at the same rate of pay as their previous employment by the Crandall library.
- § 7 § 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 facilities and services existing as of the effective date of this act and the town boards of the towns of Moreau and Queensbury and the city council of the city of Glens Falls are authorized to assess, levy and collect the necessary expenses of operations, maintenance and repair of such facilities and services and such capital improvements including debt services on bonds, notes and other evidences of indebtedness of the municipalities issued for the purpose of such public library district as may be hereafter authorized pursuant to the provisions of this act from such lots and parcels of land within their respective municipalities in the same manner and at the same time as other municipal charges.
- § 8 § 8. Education law. Except as otherwise provided by this act, the provisions of the education law relating to public libraries shall be applicable to the public library district established herein.
- § 9 § 9. Improvement district. Except as herein provided, such public library district shall constitute an improvement district within the meaning of the general city law and the town law and shall be subject to all of the provisions thereof relating to improvement districts except such as are inconsistent with the provisions of this act.
- § 10 § 10. This act shall take effect immediately.

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