

**AUBURN, CITY OF AND FLEMING, OWASCO, SENNETT,  
THROOP, TOWNS OF—PUBLIC LIBRARY DISTRICT**

**CHAPTER 615**

S. 7668-B, A. 10563-B

Approved and effective July 24, 1992

**AN ACT to establish a public library district in the towns of Fleming, Owasco, Sennett, Throop and in the city of Auburn, in Cayuga county**

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

§ 1. Notwithstanding the provisions of any general, special or local law to the contrary, there is hereby created and established in the county of Cayuga a public library district which shall be known as the Seymour Public Library District, and which shall include all of the towns of Fleming, Owasco, Sennett, Throop and all of the city of Auburn.

§ 2. Definitions. 1. The term "municipalities" shall mean the city of Auburn, the towns of Fleming, Owasco, Sennett and Throop.

2. The term "municipality" shall mean the city of Auburn, the towns of Fleming, Owasco, Sennett and Throop.

3. The term "qualified voter" shall mean a person who is registered to vote in a general election in one of the municipalities.

4. The term "board" shall mean the board of trustees of the public library district.

§ 3. Election. 1. The public library district herein described shall come into existence if it is approved by a vote of the majority of the qualified voters of each of the municipalities comprising said district casting votes at an election conducted as hereinafter provided. If one or more of the municipalities fail to approve the library district and its initial budget, then the board of trustees of the Seymour Library Association, or its successor, has the authority to authorize a second public referendum in those municipalities. If one or more of the municipalities fail to approve the library district, the district shall consist of those municipalities in which the requisite number of voters have approved the district, and once the initial budget has been approved, those municipalities approving said district shall be responsible for only that share of the budget for which they would have been responsible had all municipalities approved the creation of the district. Municipalities which do not approve the creation of the district shall not have any financial liability for payment of any tax, assessment or fees incurred by operation or existence of the district. Upon receipt of a petition signed by not less than twenty-five voters qualified to vote at a city of Auburn election and receipt of a petition from each of the towns of Fleming, Owasco, Sennett and Throop, signed by not less than twenty-five voters qualified to vote in each of said towns, the board of the Seymour Library shall give notice of an election to be conducted on the second Wednesday in October of nineteen hundred ninety-two. At said election the issue shall be whether the public library district herein described shall be created or not and whether the initial annual budget proposed by the board of the Seymour Library shall be approved or disapproved.

The board of Seymour Library shall give notice of said 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 and not more than twenty days prior to the date of such election. In addition, the board of the Seymour Library shall cause copies of such notice to be posted conspicuously in at least one public place in each of the city of Auburn, and the towns of Fleming, Owasco, Sennett and Throop respectively 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 in each municipality, the issues to be decided at said election and the hours during which the polls will be open. The

polling places to be used shall be designated by the board. With the exception of the initial election, the expense of any other election will be paid by the Seymour Public Library District. The board of the Seymour Library shall prepare or cause the ballots to be prepared for such election and the polls at such election shall remain open for the receipt thereof from twelve o'clock p.m. (noon) until 7:30 o'clock p.m., and such additional consecutive hours prior thereto as the board of the Seymour Library may have determined and specified in the notice thereof. The board of the Seymour Library shall designate a resident of each municipality 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. The board of the Seymour Library 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 within the library district shall be entitled to vote at said election. After the polls have been closed at said election, the election inspectors and ballot clerks shall immediately canvass publicly the ballots cast and the chairpersons of the election board in each municipality 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 of Seymour Library and with the clerks of the city of Auburn, the towns of Fleming, Owasco, Sennett and Throop.

2. In the event that the district is created, then there shall be an initial election conducted by the Seymour Library Board at a time to be set by the board, at which elections vacancies on the Library District Board of Trustees shall be filled.

3. Candidates for the office of municipalities' 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 Auburn, the towns of Fleming, Owasco, Sennett and Throop respectively. Each petition shall be directed to the secretary of the board and shall be signed by at least ten 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 is 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 a.m. and five o'clock p.m., not 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. The board will elect the officers.

4. No vacancy on the board to be filled shall be considered a separate specific office. At any election of the district, the voters may adopt a proposition providing that in all subsequent elections, vacancies on the board shall be considered separate specific offices and that the nominating petitions shall describe the specific vacancy on 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 district at an election by the adoption of a proposition to repeal the same.

§ 4. Organization and structure. The public library district shall be managed, operated and controlled by a board of trustees consisting of six members; one member from each municipality, together with one ex-officio member of the Seymour Library Association or its successor, to be appointed by the association or its successor, shall constitute the board of library district herein established. If, following the public referendum to establish the library district, the district be comprised of either one, two, three, four or five municipalities, each municipality will have equal representation and voting power on the board; and the number of trustees may be adjusted to ensure equal representation among the municipalities.

In every selection to the board of trustees, be it this initial election or a subsequent election, each municipality participating in the district shall be entitled to at least one member on the board of trustees. If for any reason a vacancy occurs on the board of trustees, the successor trustee shall be from the same municipality formerly represented on the board of trustees.

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. As vacancies occur, trustees shall be elected at election herein provided for to serve for four year terms by the voters of the library district hereby created, said terms to commence on the first day of January next following the election. In all cases, the initial ratio of municipal representation on the board of trustees shall not be altered. Only qualified voters of the district 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 offices 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 and, in that event, such officers may, if the board so determines, receive compensation as fixed by resolution of the board.

§ 5. Finances. 1. 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 the district. All future annual budgets that increase or decrease the appropriation last provided for by the most recent annual budget shall be submitted to the voters of the library district for approval by a majority of the qualified voters of the district 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 district and the initial annual budget or a subsequent annual budget for the 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.

2. Prior to any election upon a library district budget, a public hearing shall be held at which time the board will meet to hear all persons interested in the subject thereof concerning the same. Such hearing shall be held not less than twenty nor more than thirty days prior to the date set for the library district budget vote. Notice of such public hearing 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 date specified for the hearing.

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

4. The town boards of Fleming, Owasco, Sennett, Throop and the city council of the city of Auburn if participating in the district shall each levy a local assessment against the real property lying within the boundaries of their respective municipalities for their respective shares of the total 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 the total amount to be raised by levy of an ad valorem assessment against all property within the library district multiplied by the quotient determined by dividing the full assessed valuation of the municipality by the full assessed valuation of the 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.

5. The town boards of Fleming, Owasco, Sennett, Throop and the common council of the city of Auburn 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 library purposes. The approval of each municipality within the district 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 library district purposes. The proceeds of such bonds, notes, or other evidences of indebtedness shall be paid to the treasurer of the 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.

6. The board 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.

7. The treasurer of the board shall be the custodian of all funds of the 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 presiding supervisors of Fleming, Owasco, Sennett, Throop and the mayor of the city of Auburn shall pay over to the library district all moneys which belong to or are raised for the 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 section. 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 library district may be required to pay on account of retirement contributions for past and current services to officers and employees of the library district. The treasurer shall keep such records and in such manner as the board of trustees may require.

§ 6. Charter, commencement of operations, and transfer of property and employees. 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 and the approval of the initial budget of the library district, the district shall contract with Seymour Library Association, or its successor, for the lease without charge of the real property owned by Seymour Library upon which it has been conducting a public association library and for the terms upon which the annual net income of the Seymour Library Endowment Fund shall be made available to the new district. The district shall enter into a contract which, among other things, requires the district to be responsible for the maintenance of the property which it receives from Seymour Library Association, or its successor including the cost of any improvements, additions or alterations to the real property received from the library which contract shall require the district to make no improvement, alteration or addition which would violate the terms of the deed by which Seymour library received the real property which it is permitting the district to occupy. Said contract shall contain such other terms and conditions as are acceptable to the district and Seymour Library Association, or its successor.

Upon the granting of such charter by the board of regents, all employees of the Seymour Library shall become employees of the library district upon the same terms and conditions of employment and at the same rate of pay as their previous employment by the Seymour Library.

§ 7. Ad valorem levy. The several lots and parcels of land within the area of said public library district are hereby determined to be benefitted by the library facilities and

services existing as of the effective date of this act and the town boards of the towns of Fleming, Owasco, Sennett, Throop and the council of the city of Auburn are hereby respectively 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 services on bonds, notes and other evidences of indebtedness of the municipalities issued for the purpose of such 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. 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 herein established.

§ 9. Improvement district. Except as herein provided, said library district shall constitute an improvement district within the meaning of municipal laws and shall be subject to all of the provision thereof relating to improvement districts except such as are inconsistent with the provisions of this act.

§ 10. This act shall take effect immediately.