

LAWS OF NEW YORK, 1996

CHAPTER 493

AN ACT authorizing the establishment of the Oneida public library district

Became a law August 8, 1996, 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. Public library district establishment. Notwithstanding the provisions of any general, special or local law to the contrary, there is hereby established in the counties of Madison and Oneida a public library district which shall include those portions of the city of Oneida, town of Lincoln, town of Lenox, town of Verona, town of Vienna, and town of Vernon, which include the village of Wampsville, the village of Oneida Castle, and the village of Sylvan Beach which are located in the Oneida city school district. The public library district shall be known as the Oneida public library district.

§ 2. Election. 1. The Oneida public library district herein shall come into existence if it is approved and the initial proposed budget is approved by a vote of the majority of the qualified voters casting votes at an election as provided in this section. Upon receipt of a petition signed by not less than seventy-five voters qualified to vote in an Oneida city school district election, the board of trustees of the Oneida library shall give notice of an election to be held on March 4, 1997. Of the voters who may vote in an Oneida city school district election, if a majority of those who vote so approve the formation of the district, then the district shall come into existence on the terms and conditions set forth in this act. If the majority of voters who participate in the election do not approve the formation of the public library district and the proposed budget, then the district shall not come into existence. The propositions proposed to the voters at such election shall be:

(a) whether the Oneida public library district shall be established on the first day of July next succeeding the date of the election;

(b) whether the budget therefore proposed by the board of trustees of the Oneida public library district shall be approved or disapproved; and

(c) the election of seven trustees as provided in this act. The trustees of the Oneida library 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 board of trustees of the Oneida library shall cause copies of such notice to be posted conspicuously in three public places in the portion of each city, town or village in the district 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 said election and the hours during which polls will be open for the receipt

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

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of ballots. The board of trustees of the Oneida library shall prepare the ballots for such election and the polls shall remain open for the receipt thereof at all elections from noon until nine o'clock p.m., and such additional consecutive hours prior thereto as the board of trustees of the Oneida library may have determined and specified in the notice thereof. The board of trustees shall designate a resident qualified voter of such district to act as chairman of any election of such district and shall designate not less than two nor more than four resident qualified voters at the polling place to act as election inspectors and ballot clerks at such elections. The board of trustees shall designate the library as the polling place used for this election. No trustee shall serve as chairman or as an election inspector or ballot clerk. The board of trustees may adopt a resolution providing that such chairman, election inspectors and ballot clerks shall be paid for their respective services at the initial election or at any annual election or at any subsequent special election. Such resolution, if adopted, may fix reasonable compensation for the services of each such official. Every voter residing in the city of Oneida, town of Lincoln, town of Lenox, town of Verona, town of Vienna, and town of Vernon, which include the village of Wampsville, the village of Oneida Castle, and the village of Sylvan Beach which are included in the Oneida city school district otherwise qualified to vote at a school district election 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 chairman of the election shall publicly announce the result. Within seventy-two hours thereafter, the chairman, election inspectors and ballot clerks shall execute and file a certificate of the result of the canvass with the board of trustees and with the clerks of the city of Oneida and the towns of Lenox, Lincoln, Verona, Vernon, and Vienna which include the villages of Wampsville, Oneida Castle and Sylvan Beach which are located in the Oneida city school district.

2. In the event that the Oneida public library district is established there shall be an annual election conducted by the board in accordance with the provisions of subdivision one of this section, at a time to be set by the board to be no later than the second Tuesday in March of each year, 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. Organization and structure. 1. The Oneida public library district shall be managed, operated, and controlled by a board of trustees consisting of seven members. The first regular meeting of the board shall be convened the first Wednesday in July following the election. At the first regular meeting of the board, the trustees shall determine by lot the year in which each of their terms of office expire, and the terms shall expire as follows: after one year, one trustee; after two years, two trustees; after three years, two trustees; after four years, one trustee; after five years, one trustee. As vacancies occur, trustees shall be elected by the voters of the library district hereby created at the annual election herein described to serve five year terms, said terms to commence on the first day of July following the election. Should a vacancy occur within a five year term, a trustee will be elected at the next following annual election to complete the unexpired term. 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, vice-president, secretary and treasurer and such other officers as they deem necessary.

2. Candidates for the office of member of the board of trustees 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 secretary of the board of trustees, shall be signed by at least twenty-five 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 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 of trustees. Each petition shall be filed with the secretary of the board of trustees between the hours of nine o'clock a.m. and five o'clock p.m., not later than the thirtieth day preceding the election at which 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 clerk of the district.

3. 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 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. Finances. 1. The initial budget of the Oneida public library district shall be determined by a vote of the voters of the district in the initial election as provided in this act. All future budgets that increase or decrease the appropriation last approved by the voters shall be submitted to the residents of the library district for approval by a majority of those residents voting at the annual election of trustees pursuant to section two of this act. Funds voted for library purposes at the initial election and at all future budget elections shall, unless otherwise directed by such vote, be considered an annual appropriation therefor until changed by further vote and shall be levied and collected yearly in the same manner and at the same time as other taxes in the portion of the city of Oneida, town of Lincoln, town of Lenox, town of Verona, town of Vienna, town of Vernon, which include the village of Wampsville, the village of Oneida Castle, and the village of Sylvan Beach, which are located in the Oneida city school district.

2. The board of trustees shall annually file with the clerks of the city of Oneida, the towns of Vernon, Verona, Vienna, Lenox, Lincoln which include the of villages of Oneida Castle, Sylvan Beach, and Wampsville on or before the first day of February an estimate of the proposed budget including costs of library services to be raised by levy for the library district in the fiscal year beginning on the first day of July following the election. The city and towns 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 city council of the city of Oneida and the town boards of Vernon, Verona, Vienna, Lincoln, and Lenox on behalf of the portions of

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their communities which lie within the Oneida city school district shall levy a tax against the real property lying within the city and the portions of each city and town which comprise the library district for their respective shares of the amount to be raised by tax as contained in the annual budget of such district approved by its voters at its annual election, said shares to be determined by the ratio, each to the other, of the full valuation which term shall mean, the valuation which is derived by dividing the appropriate portions of the assessed valuation of the real property concerned as shown by the last completed assessment rolls of each village, city, or town, by the city, town, or village equalization rates established by the authorized state officer or agency for such rolls, of the real property lying within each jurisdiction. The city council, village boards, and town boards or one separately may issue tax anticipation notes, anticipation revenue notes and budget notes pursuant to article 2 of the local finance law to obtain the necessary moneys therefor.

4. Legislative bodies of the city of Oneida, the towns of Vernon, Verona, Vienna, Lenox, and Lincoln which include the villages of Oneida Castle, Sylvan Beach, and Wampsville which are in the Oneida city school district shall have the power to 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 library district, after approval by the qualified voters of such district, the respective legislative bodies jointly shall authorize, sell and issue such bonds, notes, or other evidences of indebtedness as are necessary to accomplish the improvements specified in the notice. 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 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 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 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 village, town, city or school district funds may be invested. Proceeds of obligations received from the villages, town, and city may be invested in accordance with section 165.00 of the local finance law. The mayor of Oneida and the supervisors of the towns of Verona, Vernon, Vienna, Lenox, and Lincoln shall promptly 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 of the library district except after audit by the board of trustees. The board of trustees 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 allowances. The provisions of this section shall not be applicable to payment of claims of fixed salaries in 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. The trustees of the Oneida public library district shall, within thirty days from the date of approval of the Oneida public library district by the voters of the district, apply to the board of regents for a charter. At the same time, the board of the existing Oneida library, a free association library, must apply to the board of regents for a dissolution of their charter and a transfer of all their assets to the newly chartered Oneida public library district. Upon the granting of such a charter by the board of regents, title to all personal property, tangible and intangible, now held by the Oneida library shall be transferred to, vested in and be acquired by the Oneida public library district established by this act. Upon the granting of such a charter by the board of regents, all employees of the Oneida public library shall become employees of the Oneida public library district upon the same terms and conditions of employment and at the same rate of pay as their previous employment by the Oneida library.

§ 6. Ad valorem levy. The several lots and parcels of land within the area of the Oneida 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 city of Oneida, and the towns of Vernon, Verona, Vienna, Lenox, and Lincoln are 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 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.

§ 7. Education law applicability. 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 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