

WHAT IS A PUBLIC LIBRARY DISTRICT?

ASSOCIATION LIBRARY DISTRICT MODEL

Although an Association Library District is not a public entity, an Association Library can emulate the basic characteristics of a public library district by providing a process for (a) publicly electing its trustees and (b) securing a substantial portion of its operating revenue through a public vote on its budget.

Elected Trustees

An Association Library board can amend bylaws to ensure a process by which all eligible voters within the library's service area can join the library association and participate in annual elections to select library trustees.

Budget Votes

An Association Library has the following two options for raising funds through a public vote on its budget:

1. **School District Ballot:** New York State Education Law Section 259(1)(a) provides public libraries with the ability to place a funding proposition on a school district ballot. This requires a resolution by the library board and/ or a formal petition to the school board. With a properly worded ballot, the amount collected by the library will continue from year to year until voters approve another amount. It is important to note that the school district cannot deny the library's request.
2. **Municipal Ballot:** Chapter 414 of the NY State Laws of 1995 amended Section 259 of Education Law to provide public libraries with the ability to place a funding proposition on a municipal ballot. The library must obtain signatures from eligible voters on a petition requesting that a library-funding proposition be placed before the voters at the next municipal election. Those within the municipality who sign the petition must equal 10 percent of the number of votes cast in the last gubernatorial election. If the proposition passes, the municipality must collect the taxes and pay them to the library.

Points to consider

- ▶ Library board may need to amend its charter to elect trustees and increase service area to eliminate unserved areas.
- ▶ Status as a "private entity" is retained.
- ▶ Library not subject to civil service and some municipal purchase laws.
- ▶ Provides constant funding until a subsequent vote changes the allocation.
- ▶ No allowance for bonding for capital projects.
- ▶ No status as a true public entity, only a private association.

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A public library district is a library that has publicly elected trustees and secures a substantial portion of its operating revenue through a public budget vote.

WHY CREATE A LIBRARY DISTRICT?

- **IMPROVED FUNDING** Statistical data show that libraries that have a public vote on their trustees and their budgets are better funded than those that don't.
- **IMPROVED SERVICES** Well-funded libraries are better able to meet the needs of their communities. The more people use library services, the more likely they are to vote to increase library funding. This generates a cycle of success.
- **PREDICTABLE FUNDING** Tax support obtained through a public vote is not subject to the ups and downs of funding from towns, villages, etc.
- **INCREASED AUTONOMY** Library boards elected by the public have much more control over library operations than those who are appointed by town or village boards.
- **ACCOUNTABILITY** Libraries that have their trustees and budgets approved by public vote are more accountable to their communities, which have more ownership of their library.
- **SIMPLIFIED FUNDING** A public vote on the library budget provides a simplified funding stream.
- **ELIMINATION OF UNSERVED AREAS** New districts can eliminate pockets of unserved populations, those who may pay little if any tax to support a library, yet continue to use its services.
- **BONDING AUTHORITY** Certain public library districts have the ability to place bonding propositions on the ballot for capital projects such as building renovation and purchasing computer equipment.
- **BOARD OF REGENTS POLICY** The State Board of Regents, which oversees library services in New York State, has adopted a formal policy that encourages libraries to become public library districts.

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More information on Public Library Districts
is available at

<<http://www.nysl.nysed.gov/libdev/libs/pldtools/>>

TYPES OF LIBRARY DISTRICTS

SCHOOL DISTRICT PUBLIC LIBRARY

A School District Public Library is created by passage of a referendum on a school district ballot. A petition signed by 25 qualified voters is necessary to place the proposition up for a vote. School District Public Libraries have service areas that coincide with the school districts in which they are located. The library is independent of the school district and is governed by an elected library board. The library has the authority to schedule a vote on a library budget each year. If the funding proposition passes, the school district collects the taxes and turns the funds over to the library board.

Points to consider

- ▶ Potential to expand tax base and eliminate unserved areas.
- ▶ Opportunity to develop equity in tax support.
- ▶ Ability to bond for capital projects.
- ▶ Time and place for budget vote set by the library board once the district is established.
- ▶ Funding remains constant until the board places a new proposition before the voters.
- ▶ Compliance with Civil Service and Municipal Purchasing Laws required.
- ▶ Possible requirement for higher level of minimum State Standards if population served increases.
- ▶ Library board totally responsible for library and all associated expenses.

Steps for creating a School District Public Library

1. If the new library is replacing an existing library, trustees contact municipal and school district officials to request support.
2. A petition signed by 25 qualified voters is required to direct the school board to schedule an election to establish and fund the library.
3. Trustee candidates collect additional petitions signed by 25 qualified voters or 2 percent of the voters who voted in the last school district election (whichever is greater) and submit them to the school district.
4. School board places the proposition to create and fund the library before voters at a school district election held in accordance with Education Law. The actual ballot will specify the establishment of the district, the initial budget, and names of candidates for the library board.
5. Supporters campaign for public support for the proposition. (Although no public funds can be used for advocacy, independent advocacy groups may use private donations for this purpose.)
6. After the election, the school board certifies the results of the election, showing the number of votes cast for and against the establishment and initial budget for the new library, and for trustee candidates.
7. If the vote is successful, trustees take an oath of office and apply to the Regents for a charter within 30 days of the creation of the district.
8. The existing library board files paperwork to dissolve the old library; assets are transferred to the new library.
9. Once the charter is granted, the library applies for a registration.
10. School district collects tax money for the library and turns the funds over to the library board.
11. Annual funding remains constant until the library board places a proposition on the ballot to increase the amount.

SPECIAL LEGISLATIVE DISTRICT PUBLIC LIBRARY

A Special Legislative District Public Library is created by passage of State legislation, which authorizes a public vote to create the library, elect trustees and establish a budget. Once the State legislation is passed, a local election is scheduled to elect trustees and approve the initial library budget. If the local referendum passes, the municipality collects taxes and turns the funds over to the library board.

Points to consider

- ▶ Service areas drawn to meet specific needs.
- ▶ Potential for ability to bond for capital projects.
- ▶ Time and place for future budget votes set by library.
- ▶ Constant funding until a subsequent vote changes it.
- ▶ Process more complex than the process for creating alternative models.
- ▶ Compliance with Civil Service and Municipal Purchasing Laws required.
- ▶ Library board totally responsible for library and all associated expenses.

Steps for creating a Special Legislative District Public Library

1. Library board defines the proposed service area of the new library based on library usage patterns.
2. If the new library is replacing an existing library, the existing library board contacts municipal officials to request support and a "letter of home rule."
3. Library board votes to proceed and develops a timetable and a budget for the first year of operation.
4. Library representatives meet with legislators to explain the rationale for the change and a Legislator is asked to introduce a bill to authorize a local vote to create the new library.
5. Legislator introduces the bill in the Legislature; cosponsors are solicited.
6. Assembly and Senate pass the bill and the Governor signs the bill into law. This authorizes a local referendum to create the library district.
7. The referendum to create the district is scheduled according to specifications in the legislation and local election requirements.
8. Trustee candidates file petitions for election to the new board. The actual ballot will specify the establishment of the district, the initial budget, and names of candidates for the library board.
9. Supporters campaign for public support for the proposition. (Although no public funds can be used for advocacy, independent advocacy groups may use private donations for this purpose.)
10. If the vote is successful, trustees take an oath of office and apply to the Regents for a charter within 30 days of the creation of the district.
11. The existing library board files paperwork to dissolve the old library; assets are transferred to the new library.
12. Once the charter is granted, the library applies for a registration.
13. The municipality or school district named in the legislation collects taxes for the library and turns the funds over to the library board.