



Public Library Law

The relationship between library boards and municipal boards

According to NY State Education Law

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Autonomy from chartering municipality

◆ From NYS Education Law §216 [1]:

“It is...quite evident that a public library is a corporate entity and there is certainly nothing about the aforesaid statutes which make such a corporate entity a part of the governmental agency which initiated it. The terms ‘establish’ and ‘maintain’ as used in the statutes are synonymous with the terms ‘initiate’ and ‘support’. The latter term is used interchangeably as a matter of fact in the statutes... After the governmental agency has started or initiated the library, the mere fact that it continues to raise taxes for its support is incidental. The library would continue irrespective of whether any tax-support is continued by the agency. ...There is no validity to the theory that merely because the governmental agency contributes to the support of a body, that makes the body a part of the supporting agency.” (1 Educ. Dept. Rpts. 755, Formal Op. of Counsel No. 60, February 25, 1953).



Autonomy from chartering municipality

explanation:

- ◆ A library is not considered a department of the municipality that chartered it; it is a separate entity.
- ◆ Because a municipality provides support to the library does not give it the power to control any aspect of library operations or funds.



Separate funds for library moneys

◆ **From NYS Education Law §259 [1] (a):**

“All moneys received from taxes or other public sources for library purposes shall be kept as a separate library fund by the treasurer of the municipality or school district making the appropriation and shall be expended only under the direction of the library trustees on properly authenticated vouchers, except that money received from taxes and other public sources for the support of a public library or a free association library or cooperative library system shall be paid over to the treasurer of such library or cooperative library system upon the written demand of its trustees.”

“Request of money to the trustees of the village public library, the income and principal of which is to be used for stated purposes, must be kept by the village treasurer with other library moneys in a separate fund and must be expended by him under the direction of the library trustees. The library trustees direct the investment of the fund.” (8 Op. Compt. 72, #5563, February 29, 1952).



Separate funds for library moneys

explanation:

- ◆ Public funds designated for the library shall not be intermingled with other village or town funds but kept in a separate fund.
- ◆ The library board of trustees has the right to have any or all funds from any or all public sources be paid over to the treasurer of the library board of trustees upon written demand.



Unexpended fund balances

◆ **From NYS Education Law §259 [1] (a):**

“Unexpended balances in the library fund at the close of a village fiscal year must remain to the credit of such fund and do not revert to the general fund...With reference to an inquiry concerning the setting aside of moneys in the library fund for contingent or emergency purposes, we are of the opinion that such action is entirely within the discretion of the library trustees. They, not the village board, have control over the purposes for which library money may be expended.” (9Op. Compt. 126, #6088, April 27, 1953).

Unexpended fund balances

explanation:

- ◆ Public funds designated to the library that have not been expended at the end of a fiscal year shall not revert back to the general village or town fund.
- ◆ Unexpended funds from one fiscal year may be saved for any length of time deemed necessary by the library board of trustees.
- ◆ A fund balance at the end of a fiscal year shall have no bearing on the funding amount designated to the library for the next fiscal year. In other words, a fund balance or additional/new funding received from other sources should not decrease previously appropriated funding to the library.



Use of public funds

From NYS Education Law §259 [1] (a):

“A town board may not place limitations and restrictions upon the expenditure by the town library board of trustees of funds appropriated for library purposes.” (Op. Compt. 72-6, April 7, 1972).

“Where a village budget appropriates money for a village public library by line items, the library board of trustees may disregard the lines items and use the moneys as it sees fit in administering the affairs of the library.” (Op. Compt. 72-553, July 3, 1972).



Use of public funds

explanation:

- ◆ Public funds from any source shall be expended or invested at the sole discretion of the library board of trustees. The municipality that maintains the funds has no say over how or when library funds are expended or invested.
- ◆ The municipality shall not designate library funds as line items on the budget. The library may disregard line items and use the funds for any purpose they deem necessary.





NYS Annual Reports

- ◆ New York State's public libraries are required to submit an annual report to the New York State Library that includes library collection, circulation, program, technological, and financial data.
- ◆ Full knowledge of and control over the library budget is needed in order to accurately complete the state annual report.



NYS Annual Reports

- ◆ Please refer to the 2006 State Annual Report (Financial Section).
- ◆ Notice the detailed financial information that is required.
- ◆ Also, please note that a fund balance is expected at the end of each year to be carried over into the following fiscal year.



Power of Library Trustees

- ◆ Under NYS Education Law, library boards have broad and almost exclusive powers and authority to operate the library.
- ◆ Please see the *Handbook for Library Trustees of New York State* for a thorough understanding of the roles, rights, and responsibilities of library trustees in NY state.