

**NIOGA LIBRARY SYSTEM  
DIRECT ACCESS PLAN  
to fulfill Education Commissioner's Regulation 90.3(a) through (d)  
Plan of Service**

**October 19, 1999  
Approved April 20, 2000**

- 1. Describe how all individuals residing within the boundaries of the system but outside a member public library's chartered service area will receive library service.**

Member libraries of the Nioga Library System will not be required to provide free access to their materials and services to residents of a jurisdiction of 10,000 population or more which has not exercised the authority contained in Section 222 of the Education Law, or other pertinent legislative act, to establish and maintain a public library, or which is not contracting for public library service in accordance with section 256 of the Education Law.

As a part of its contract with the Nioga Library System, each member library agrees to accept library cards issued by any member library of the System, to be honored on the same basis applicable to cardholders of the member library and to issue a System Borrowers' card or its own library card to any applicant whose residence is within the System area.

Each member library must provide free on-site use of the total resources of the System by all individuals residing within the boundaries of the system.

Included in on-site use is the use of computers and access to the Internet. Preference for such services may be given to local residents.

Neither Nioga nor its member libraries will charge individuals who reside within the boundaries of the System for library cards.

- 2. Describe how the system will assure that those persons living within the system boundaries in an area where a member library chooses to withdraw from the system, or where a chartered and registered library was never a member of the system, will be served by the System.**

In compliance with Commissioner's Regulation 90.3 all Nioga libraries will provide free on-site access to library resources to those persons living in an area where a library has chosen to withdraw from the System.

## Nioga Library System Plan of Service: Section 4.A(2)(b)

Limited library services will be available to individuals living in an area where a library has chosen to withdraw from the System through the Niagara Falls Public Library, the Central Library of the Nioga Library System. These individuals will be limited to borrowing material purchased with state funds, including materials owned by the Nioga Library System.

**3. Describe what the system considers “serious inequities and hardships” and the criteria used by the system to make the determination.**

Serious inequities and hardships occur when the circulation of materials to non-resident borrowers is excessive and significantly deprives local residents from borrowing library materials in a reasonable time period. Excessive is defined in paragraph 4.

**4. Describe what constitutes excessive out-of-chartered-service area borrowing in the system.**

- a. Excessive borrowing occurs when circulation to patrons who live in another county outside of a library’s official chartered service area reach 10% or more of a library’s total circulation in the previous six months.
- b. Excessive borrowing occurs when circulation to patrons who live in a library’s home county reaches 20% or more of a library’s total circulation in the previous six months.

**5a. Describe the unserved and underserved populations within the system:**

Unserved populations live in an area within the Nioga Library System without a chartered public library.

As of June 1999, there are 67,186 people who live in an area within the Nioga Library System without a chartered public library based on maps supplied by Library Development.

Underserved populations live in jurisdictions within the Nioga Library System service area which fail to provide per capita support equal to at least 90 % of the current average per capita support for library services within the Nioga Library System.

The System will determine the average using financial information provided on the member libraries’ annual reports to the State of New York.

**5b. Describe the criteria used by the system to identify libraries as having inadequate level of local income to support the delivery of acceptable library services (underserved).**

## Nioga Library System Plan of Service: Section 4.A(2)(b)

All of the member libraries of the Nioga Library System meet the *Minimum Standards for Public Libraries* (Commissioner's Regulation 90.2).

The System has identified and will work with certain libraries to strengthen support to registered and chartered libraries in order to expand the availability of library services to individuals residing within the boundaries of the System.

**5c. Describe the actions the system will take to expand the availability of library services to unserved and underserved individuals residing within the boundaries of the system.**

System representatives (staff and trustees) will meet with the appropriate member library boards to:

- 1) Review each library's current official chartered service area.
- 2) Compare the sources of support with the official chartered service area.
- 3) Review the per capita support from the jurisdiction covering the official chartered service area and the per capita support from jurisdictions providing support for library service through a contract.
- 4) Discuss the feasibility fo re-chartering to eliminate or at least minimize those areas (and people) living outside of a library's official chartered service area.

The System will continue to sponsor workshops for member library trustees and directors on advocacy and obtaining additional support for libraries from municipalities. These workshops will also include information on how to form community task forces or "Public Library Committees" to explore various options for the provision of consistent, high quality, library service to area residents and to spearhead the campaign for increased local support for the libraries

**5d. Provide a timetable for such actions.**

The meetings with library boards will be completed before July 1, 2002.

**5e. Identify who will be responsible for carrying out these actions.**

The System will request meetings with appropriate member library boards and will outline a plan of action.

It is up to the trustees of the member library to develop a plan of action best suited to their local situation, to incorporate this plan into the library's long range or strategic plan and to implement the plan.

The System staff and trustees will offer advice, assistance and support to the member library trustees.

**6. Describe the conditions under which modifications to the free direct access plan can be made.**

**a. Without the prior approval of the Commissioner of Education**

The proposed conditions under which modification to the free direct access plan can be made without the prior approval of the Commissioner of Education are spelled out on page 3 of this Amendment.

Such restrictions shall be limited to non-print materials and equipment, and printed materials less than one year old from the acquisition date, including fiction and nonfiction books and periodicals.

Before imposing the limitations as outlined above, a member library must:

- 1) Inform the Nioga Library System that they will be exercising this option.
- 2) Prove to the satisfaction of the Nioga Library System that the percentage of circulation has met or exceeded the agreed upon percentage stated in this amendment.

Member libraries may place restrictions upon attendance at library programs. If attendance must be limited, local residents may be given first access to them. Such programs must have been supported entirely from local funds.

**b. With the prior approval of the Commissioner of Education:**

An individual member library may choose to seek additional modifications to unrestricted direct access with the prior approval of the Commissioner of Education

An individual member library seeking additional modifications to unrestricted direct access must have a serious reason for seeking such additional modifications. Reasons for seeking additional modification may include, but not be limited to, the following:

- 1) A jurisdiction defeats a library's proposition for support.
- 2) A jurisdiction terminates or drastically reduces a contract for library services.

A member library's request for approval of additional modifications to unrestricted Direct access must be in writing; must document the serious inequities and hardships affecting the resident borrowers of the member library making the request and must be approved by a simple majority of the member library boards.

If approved by a simple majority of the member library boards, the Nioga Library System Board of Trustees shall submit the request to the Commissioner of Education for the Commissioner's approval.

## Nioga Library System Plan of Service: Section 4.A(2)(b)

The Nioga Library System Board of Trustees shall not delay transmission of a member library's request to the Commissioner.

No such request will be approved if it includes a fee or charge to an individual for a borrower's card.

The member library request for approval of additional modifications to unrestricted direct access shall also include the following:

- 1) The proposed modifications to unrestricted direct access that will be implemented; and
- 2) A description of the anticipated impact on resident and non-resident borrowers after modifications are approved and implemented; and
- 3) A proposed timeframe within which such modifications will be in effect; and
- 4) Recommendations for remedying the underlying inequity with a proposed timetable for action.

**7. Describe how the system will assure that member libraries are complying with the system free direct access plan approved by a majority of member libraries**

The Nioga Library System's Plan of Service, of which the plan for free direct access is a part, is a contract between the State Education Department and the Nioga Library System. This contract allows the Nioga Library System to obtain state aid.

Each of the member libraries enters into a basic service contract with the Nioga Library System.

Compliance with the Plan for Free Direct Access and all other Commissioner's Regulations will be specified in the basic service contract between the Nioga Library System and its members. Such compliance shall be the condition for membership in the Nioga Library System.

**8. Describe how the system obtained member library input to the plan for free direct access.**

The Nioga Library System Board of Trustees obtained member library input to the plan for free direct access by:

- 1) Appointing an Ad Hoc Committee to draft the amendment which included three (3) member library directors and four (4) active or former trustees of member libraries and the System.
- 2) Posting of minutes of committee meetings on Nioga's homepage.
- 3) Reviewing the amendment at county-wide trustee discussion meetings in September, 1999.
- 4) Making presentations to various member library boards upon request.

**Nioga Library System Plan of Service: Section 4.A(2)(b)**

**ADDENDUM #1**

The following is a list of areas that provide inadequate levels of local income to support the delivery of acceptable library service. This list will be updated annually or as needed.

**Niagara County**

Town of Cambria  
Town of Hartland  
Town of Lockport (those portions not in the Lockport School District)  
Town of Newfane  
Town of Niagara  
Town of Pendleton  
Town of Royalton  
Town of Somerset  
Town of Wheatfield  
Town of Wilson

**Orleans County**

Town of Albion  
Town of Barre (those portions in the Oakfield Alabama Central School District)  
Town of Carleton (those portions in the Kendall Central School District)  
Town of Clarendon (those portions in the Byron-Bergen Central School District and the Brockport Central School District)  
Town of Gaines  
Town of Kendall  
Town of Murray (those portions in the Kendall Central School District)  
Town of Shelby (those portions in the Royalton-Hartland Central School District)  
Town of Ridgeway (those portions in the Barker Central School District)  
Town of Yates (those portions in the Barker Central School District)  
Holley Central School District  
Kendall Central School District  
Lyndonville Central School District

**Genesee County**

Town of Alabama (those portions not in the Medina Central School District)  
Town of Alexander  
Town of Batavia (those portions not in the Batavia City School District)  
Town of Bethany  
Town of Byron  
Town of Darien  
Town of Elba (those portions not in the Albion Central School District)  
Town of LeRoy (those portions not in the LeRoy Central School District)  
Town of Oakfield

**Nioga Library System Plan of Service: Section 4.A(2)(b)**

Town of Pavilion

Town of Pembroke

Town of Stafford (those portions not in the Batavia City School District or the LeRoy Central School District)

Alexander Central School District

Elba Central School District

Oakfield-Alabama Central School District

Pavilion Central School District

Pembroke Central School District

Based on 2005 Annual Report Data, the per capita support for library service from the official service jurisdictions is \$24.34. Therefore, towns, villages, school districts, and/or cities within the Nioga Library System which fail to provide at least \$21.90 per capita support will be considered to be underserved.