



## **Free Direct Access Plan For the Period 2022-2026 in Association with the B&ECPL System 5 Year Plan of Service**

### **In Fulfillment of Commissioner's Regulation: 90.3 (a) through (d) (4)s**

*This Plan is a county-wide policy that applies to all libraries within the Buffalo & Erie County Public Library System.*

#### **I. STATEMENT OF POLICY**

The Regents Commission on Library Services requires public library systems in the State of New York to include in their service plans a provision guaranteeing free use of library resources to people residing within the system's boundaries. The following Plan explains in detail the history and present practice of the Buffalo & Erie County Public Library System (B&ECPL) of guaranteeing free direct access to library resources for all residents of Erie County and its commitment to continuing and improving on that principle in the 21st century.

#### **II. FREE DIRECT ACCESS PLAN**

##### **A. Section 90.3 of the Regulations of the Commissioner of Education**

The B&ECPL Plan follows the Division of Library Development's Outline and Guidelines for developing a free direct access plan under the Commissioner's Regulations 90.3(a) through (d)(4), published in March 1999, and revised in February 2007.

As defined in the Commissioner's Regulation, free direct access is the ability of an individual, who resides within the boundaries of the B&ECPL and who has a valid borrower's card issued by this System or any contract library (referred to as a "member library" in the Commissioner's Regulation) in the B&ECPL, to borrow materials for home use directly from the premises of any such library on the same basis as that specified for cardholders in each individual library.

##### **B. B&ECPL**

1. Library services for all individuals residing within the boundaries of the B&ECPL  
According to the special legislation that created the Buffalo & Erie County Public Library (Laws 1953, chapter 768), the B&ECPL Board of Trustees may contract with the trustees of any free library within Erie County registered by the Regents, or with any municipal or district body having control of such library, to furnish library privileges to the people of the County, under such terms and conditions as may be stated in such contract.

The B&ECPL Board of Trustees contracts annually with 22 libraries serving the residents of Erie County, each of which is referred to as the “Public Library” or “contract library” within said contract. Free direct access is guaranteed under the contract as follows:

- a. In paragraph FIRST of the annual contract, the contract libraries agree to furnish free library privileges to the people of the County of Erie. Note that this is an all-encompassing statement giving the residents of the County equal access to any of the 37 library buildings and one bookmobile comprising the B&ECPL.
- b. Paragraph SECOND of the annual contract also supports the principle of free direct access when it states “The books, pamphlets, periodicals, audio/video items and other materials constituting the circulating and reference library of the Public Library shall be loaned in accordance with the rules and regulations of the B&ECPL, presently in force or as amended, to any person holding a library card duly issued by the B&ECPL or any other library within the County of Erie, which, by contract with the B&ECPL, has agreed to furnish library privileges to the people of the County of Erie.”
- c. In addition, paragraph FIFTH of the annual contract states “The B&ECPL shall furnish to the Public Library all books, pamphlets, periodicals, audio/video and other library material [...] All such purchases of books, pamphlets, periodicals, library materials and equipment of every nature and description whatsoever shall become the property of the County of Erie or the B&ECPL provided, however, that the Public Library shall have the custody and use thereof so long as it shall continue to render public library service to the people of the County of Erie.”
- d. Further, the contract requires in paragraph SIXTH that “The printed books, pamphlets and other documents constituting the circulating and reference library of the Public Library shall be made available for use and distribution by the B&ECPL and other libraries within the County of Erie, which, by agreement with said B&ECPL, have contracted to furnish library privileges to the people of the County of Erie.”

Library services throughout the County are free to residents. In addition, B&ECPL provides service via libraries at the Erie County Correctional Facility and Erie County Holding Center. The B&ECPL provides library service to the other correctional facilities at Wende, Collins and Gowanda through grants.

2. Library services to 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.

No contract library has withdrawn from the B&ECPL, and there are no public or free association libraries in Erie County, outside of the Native American reservations that do not contract with B&ECPL. While not part of the B&ECPL's chartered service area, residents of the Tonawanda and Cattaraugus Reservations in Erie County have free direct access to any of B&ECPL's resources.

3. Serious inequities and hardships

The B&ECPL Board of Trustees has determined that there are no serious inequities or hardships affecting resident borrowers in the B&ECPL.

#### 4. Excessive borrowing

The B&ECPL Board of Trustees has determined that excessive borrowing does not occur because all Erie County residents have the same borrowing privileges, and the annual contract between the B&ECPL and the contract libraries states that the service area, for all libraries in the System, is the entire County.

#### 5. Unserved or underserved populations within the B&ECPL System

B&ECPL is chartered to serve all of Erie County. All geographic areas within the County receive library services even if there are no library buildings within a given municipality or service area of a contract library.

The Angola Public Library is chartered to serve the village of Angola. In reality, the Angola Public Library serves the town of Evans as well as any other Erie County residents who choose to use it.

The towns of Brant, Colden, Holland, Sardinia and Wales do not have library buildings. Their residents are served by libraries in neighboring towns (or in any other community in the County that the residents of these towns choose to use) and by the B&ECPL bookmobile.

The Central Library and eight branch libraries located within the Buffalo city limits provide library service to the residents of Buffalo. The City of Buffalo does not have a separate chartered library with an independent library board, and does not contract with the B&ECPL. The 1953 special legislation that created the B&ECPL provides for representation on B&ECPL's Board of Trustees by nominees of the mayor of Buffalo.

In addition, the 1953 special legislation gives Erie County the authority to levy and raise by taxation and appropriation such sums as shall be necessary to establish, equip and maintain the B&ECPL and branches. An equalized countywide tax supports all the libraries of the B&ECPL. Thus, all property owners in Erie County are contributing equitably to the B&ECPL libraries. Each contract library's budget request is included in the B&ECPL's annual operating budget request. The contract library's budget sum for the year is part of the annual contract with that library. Contract libraries may also raise and appropriate funds from other sources to supplement funds derived from Erie County.

The municipalities in Erie County without a chartered library are receiving library services from B&ECPL as explained above. In any of these municipalities, should the population increase to the point where a library building is warranted, and if the community expressed an interest in funding the construction of a library, the B&ECPL would respond accordingly. Currently, the low population density in these towns does not justify the establishment of a new library and precludes designating an optimal location for a library building.

#### 6. Modifications to the Free Direct Access Plan

B&ECPL does not require or anticipate any modifications to this Plan.

#### 7. Compliance with the Plan by Contract Libraries

As B&ECPL's Plan for free direct access is included in the annual agreement between the B&ECPL and each contract library, those libraries are bound by the contract to abide by this Plan.

#### 8. Input from Contract Libraries

Contract libraries have been invited to raise questions and provide comments regarding the development of the B&ECPL Plan by direct invitation and through an open public review process which affords all residents of Erie County an opportunity to participate.

Adopted December 16, 1999 per Resolution 99-73.

Amended September 18, 2014 per Resolution 2014-28

Amended December 15, 2016 per Resolution 2016-53.

Amended May 16, 2019 per Resolution 2019-17.

Amended December 19, 2019 per Resolution 2019-50.

Amended July 15, 2021 per Resolution 2021-25.