

**Nioga Library System  
Free Direct Access Plan  
Reviewed and Accepted at September 28, 2021 Trustee Meeting**

**DEFINITIONS**

**Contract** – Recognized contracts are agreements that span more than one year. A payment voucher signed before a release of a funds is not a contract. A contract is a commitment to provide adequate funds over a specified number of years to allow libraries to plan for the future.

**Non-resident Borrower** – An individual who does not reside within the boundaries of a chartered service area of a member library.

**Resident Borrower** – An individual that resides within the boundaries of a chartered service area of a member library.

**Un-served** – Individuals that reside in a geographic area that is within the boundaries of the System, but outside the boundaries of any member library’s chartered service area.

**Under-served** – Individuals residing within the chartered service area of a member library which the library System has identified as having an inadequate level of local income to support the delivery of sufficient library resources.

**Automated Library Management System (ALMS) Governing Council** - A governing council made up of directors of member libraries and Nioga Library System. This council is responsible for all financial and policy decisions concerning the cooperative automation program for all member libraries.

**INTRODUCTION**

Nioga Library System (Nioga) is a co-operative system that encompasses three counties: Niagara, Orleans, and Genesee County. The total population of the System’s service area is 313,171. There are 21 member libraries and one branch.

The Free Direct Access Plan (FDAP) is an approved agreement between Nioga and the New York State Library, Division of Library Development and is required by Commissioner’s Regulations 90.3 (a) through (d) and reflects Nioga’s commitment to provide equitable access to information and recognizes the critical need for access to library and information resources, services, and technologies by all people, especially those who may experience language or literacy-related barriers; economic distress; cultural or social isolation; physical or attitudinal barriers; racism; discrimination on the basis of appearance, ethnicity, immigrant status, housing status, religious background, sexual orientation, gender identity, gender expression; or barriers to equal education, employment, and housing.

This FDAP also provides the process for member libraries to identify and place restrictions on excessive and unfair use of resources that have a negative impact on services a member library provides its resident borrowers.

**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 services.**

- a. Direct Access: 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.
- b. Exceptions to Direct Access: Nioga member libraries may implement, at their discretion, the following restrictions, on individuals residing outside the library's chartered service area for services funded with local public funds. These services could include:
  - Attendance at library programs
  - Use of computers
  - Loan of special equipment or special collections
  - Borrowing of new materials

Entitlement to any library services and borrowing privileges may be forfeited by any individual who fails to observe rules, regulations and/or policies of Nioga member libraries and/or the System.

**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.**

All chartered and registered libraries within Nioga's boundaries are members of the System. Should a member library choose to withdraw, the residents from the library's service area would be eligible to borrow materials purchased with NY State Central Book Aid (CBA) funds from the Niagara Falls Public Library (Central Library).

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

Nioga considers "serious inequities and hardships" to be those conditions which adversely affect residents of the chartered areas of member libraries and/or significantly deprive resident borrowers of the opportunity to borrow library materials.

The criteria used by the System to determine "serious inequities and hardships" is as follows:

- Excessive use of a library's collection by residents outside the library's chartered service area.
- Excessive use of a library's collection by residents of a single geographic or municipal area which is within a chartered service area but does not provide adequate funding for library services.

- Excessive use of a library’s collection by residents of a geographic or municipal area that is not within a chartered public library service area and does not provide adequate funding for library services by contract for library service with Nioga or a Nioga member library or libraries.

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

- When 20% or more of total materials within one twelve month period are circulated in direct access transactions from the collection of a member library are to residents of communities outside a library’s chartered service area

or

- When 5% or more of total materials within one twelve month period are circulated in direct access transactions from the collection of a member library are to residents of a single community outside a library’s chartered service area

or

- When 3% of a community’s population are cardholders at a member library but reside outside a library’s chartered service area

or

- When an un-served community has a population of 10,000 or more and has no fair and equitable contract for library services with Nioga on behalf of a member library or member libraries. Notwithstanding past practice, jurisdictions with a population of 10,000 or more must contract with the System and not an individual member library. Individual contracts shall not entitle the residents of said jurisdiction access and use of the facilities of all member libraries.

**5. Describe the un-served and the under-served populations within the system.**

Note: See service area maps provided by NYSED Division of Library Development:

<http://www.nysl.nysed.gov/libdev/libs/service-area-maps/system-and-county-maps/nioga.pdf>

The total population of the System’s Service area is 313,171.

- 56,927 people within this service area are un-served. 18,117 of these individuals contract with a member library for library service at a per capita amount that is well below half the average rate for the System. (See Addendum #1)
- 256,244 of people in the three-county area reside in chartered service areas, yet 28,302 people in this group are considered under-served because they are funded at a per capita amount that is below half the average rate for the System. (See Addendum #2)

- a. Describe the criteria used by the system to identify libraries as having an inadequate level of local income to support the delivery of acceptable library services (under-served). List those libraries so identified.**

Libraries falling below NYS minimum library standards, per their annual report and/or with a per capita expenditure of less than one half the median of the other libraries in the System, are considered as having an inadequate level of local income to support the delivery of acceptable library services (under-served). [See Addendum #2]

Based on 2018 Annual Reports, these libraries are:

The Royalton-Hartland Community Library in Middleport

The Newfane Public Library

The Community Free Library in Holley

- b. Describe the actions the system will take to expand the availability of library services to un-served and under-served individuals residing within the boundaries of the system.**

Nioga Staff and Trustees will work with member libraries to encourage and assist them in their efforts to improve funding.

- Libraries that currently do not have budget votes will be informed about Section 259 of Education Law, Chapter 414 and other districting options.
- Governing authorities in un-served jurisdictions will be notified of the need to provide funding if full library service is to be continued.
- Member Libraries subject to overuse by residents from another service area will be encouraged to invoke the restrictions as permitted under Commissioner Regulation 90.3, in accordance within the guidelines outlined in this plan.
- Nioga will encourage libraries in counties with un-served jurisdictions to establish funding contracts for library service.
- Residents in jurisdictions which are not willing to enter into contracts or establish a chartered library will not be able to access library services, except for limited services available from the Central Library and some State supported services.

- c. Provide a timetable for such actions.**

Member Library funding will be evaluated annually after annual reports are approved by the Division of Library Development. Addenda to this document will be updated at that time.

- d. Identify who will be responsible for carrying out these actions.**

Adequate funding is the responsibility of member library trustees. Education on improving library services and funding is the responsibility of the System as set forth in Section 5c above.

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

All recommendations for modification of this Plan shall be initiated at the request of a member library and must be approved by a majority of member libraries and ratified by the Nioga Board of Trustees. Prior to bringing a request to modify the Free Direct Access Plan, the Member Library must make a good faith effort to resolve any serious inequities or excessive use.

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

Member Libraries that experience excessive out of chartered service area borrowing, as defined in Section 4 above, may submit to Nioga's Executive Director a claim of serious inequities and hardship. A claim must be in writing and approved by the Member Library's Board of Trustees. Documentation of efforts by the Library to secure adequate funding from the area in question must be included.

Based on the Nioga Board accepting a claim of serious inequities and hardship as valid, Nioga staff will confer with the ALMS Governing Council to implement the restriction of system wide loaning of non-print materials or the restriction of printed materials less than one-year-old from acquisition date.

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

Proposed restrictions to library service or access beyond those defined in this FDAP must be approved by the Nioga Board of Trustees and a majority of member libraries prior to submission to the Commissioner of Education for approval.

**7. Describe how the system will assure that member libraries are complying with the System's Free Direct Access Plan approved by a majority of member libraries. Describe how the system obtained member library input to the plan for free direct access.**

Upon adoption by member libraries, ratification by the Nioga Library System Board of Trustees and approval by the Commissioner of Education, Nioga's Free Direct Access Plan will be distributed to all Member Libraries and posted on Nioga's website. Nioga, along with the Direct Access Plan Committee, will lead a discussion on the revised plan at a member library directors' meeting.

**8. A description of the steps the system took to obtain member library input into the development and/or amendment of this portion of the system plan of service.**

- Direct Access Committee formed.
- Committee reviewed statewide Free Direct Access Plans from other co-operative systems and identified issues with Nioga's current direct access plan.
- Draft plan developed by Direct Access Committee.
- New Direct Access Plan distributed for review and consideration to the Member Libraries.
- Approved by a majority of member libraries.

- Ratified by the Nioga Board of Trustees at a regular Board Meeting.

Direct Access Committee

- Emily Cebula (Orleans County)
- Robert Conrad (Genesee County)
- Lisa Erickson (Nioga)
- Sarah Potwin (Central Library)
- Maggie Stein (Nioga)
- Kevin Wall (Niagara County)