



**Free Direct Access Plan
For the Period 2017-2021 in Association with the B&ECPL System 5 Year Plan of Service**

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

This policy is a system-wide policy for application to all libraries within the Buffalo & Erie County Public Library System.

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. Free direct access is not an issue with the Buffalo & Erie County Public Library (B&ECPL) System due to the nature of the System and how it operates. The following plan explains in detail the B&ECPL's history and present practice of free direct access to library resources for all the residents of Erie County and its commitment to continuing and improving on that principle in the 21st century.

The plan follows the Outline and Guidelines for Developing a Free Direct Access Plan under Commissioner's Regulations 90.3 provided in March 1999, revised 2007.

As defined in section 90.3 of the Regulations of the Commissioner of Education, free direct access is the ability of an individual, who resides within the boundaries of the B&ECPL System and who has a valid borrower's card issued by this System, or any contracting library in the System, to borrow materials for home use directly from the premises of any library that contracts with the B&ECPL System on the same basis as that specified for cardholders in each individual library.

1.) According to the 1953 special legislation, chapter 768, that created the Buffalo & Erie County Public Library, the System Board of Trustees may contract with the trustees of any free library within the 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 Buffalo & Erie County Public Library Board of Trustees contracts annually with 22 libraries serving the residents of Erie County. Free direct access is a matter of the contract.

In paragraph FIRST of the annual contract, the contracting 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 comprising the B&ECPL.

Paragraph SECOND continues the enforcement 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" [aka contract 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.”

Cementing this policy of free direct access, paragraph FIFTH says “The B&ECPL shall furnish to the “Public Library” [aka contract 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” [aka contract 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.”

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” [aka contract library] shall be made available for use and distribution by other libraries within the County of Erie, which, by agreement with said B&ECPL, have contracted to furnish library privileges to the people of Erie County.”

Library services throughout the county are free to residents who abide by B&ECPL rules. 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.) No contract library has withdrawn from the System 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 System'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.) Because of B&ECPL's inherent policy of free direct access, there are no serious inequities and hardships with regard to this policy.

4.) Excessive borrowing is not a problem since all residents are subject to the same borrowing privileges, and the contract designates that the service area, for all libraries in the System, is the entire county.

5a.) B&ECPL is chartered to serve Erie County. Because of the contract, all areas of the county receive library service even if there are no library buildings within the municipality.

The Ewell Free Library in Alden is chartered to serve the village of Alden and the Angola Public Library is chartered to serve the village of Angola. In reality, the Ewell Free Library serves the entire town of Alden as well as any other Erie County residents who choose to use it. The same is true of the Angola Public Library with regard to the town of Evans and the county as a whole.

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 Erie County community that the residents of those towns choose to use.

The Central Library and eight branch libraries located within the city limits provide library service to the residents of Buffalo. The 1953 special legislation creating B&ECPL established representation for the City of Buffalo on the System Board. Buffalo does not have a separate chartered library with an independent library board and does not contract with the System.

5b.) The 1953 special legislation establishing this library system gives Erie County the authority to levy and raise by taxation and appropriation such sums as shall be necessary to establish, equip and maintain such library 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 libraries. Each contracting library's budget request is included in the System's operating budget request. The contracting library's budget sum for the year is part of the contract. Local libraries may raise and appropriate funds from other sources to supplement funds derived from Erie County.

5c-e.) The municipalities in Erie County without a chartered library are receiving library service from B&ECPL as detailed 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 System 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.) B&ECPL does not require any modifications to the plan for unrestricted direct access.

7 & 8.) As B&ECPL's plan for free direct access is included in the annual agreement between the System and the contracting libraries, those libraries are bound by the contract to abide by the free direct access plan. Contracting libraries have been invited to raise questions and provide comments regarding the development of the System plan of service 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.