

LIBRARY BOARD OF TRUSTEES

A GUIDE FROM KLC MUNICIPAL LAW

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Kentucky League of Cities



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In order to play any game, you must first learn the rules. The same holds true for the law surrounding library board of trustees. It is impossible to carry out the duties of library board of trustees unless you familiarize yourself with the applicable state statutes, as well as your local ordinances, that govern.

Statutes are not contained in some magical spell book. There is no forbidden wisdom in a statutory code book. You do not need a law school education to understand their meaning. We wanted to remove some of the mystique from the law by compiling this simple pdf document. It contains the entire portion of Kentucky Revised Statutes which pertain to library board of trustees.

Feel free to use this guide in any way that you deem fit. The reason we wanted to present this as a pdf though is because a pdf does have just a little bit of magic, truth be told. A pdf is word searchable. If you have the pdf on a laptop during a meeting and an issue comes up - you can plug the words in and hopefully the relevant portion of the law pertaining to library board of trustees will pop up. Failing that, you can always call the KLC Municipal Law Department at 800.876.4552.

The KLC Municipal Law Team

173.300 Definitions for KRS 173.310 to 173.410

As used in KRS 173.310 to 173.410, unless the context requires a different meaning:

- (1) “Governmental unit” means any county or city; except a city of the first class and a county containing a city of the first class;
- (2) “Legislative body” means the governing body of a governmental unit; and
- (3) “Library” means a free public library supported in whole or in part with money derived from taxation, and governed by a board as provided for in KRS 173.340, excluding a city of the first class and a county containing a city of the first class.

173.310 Methods by which library service may be provided; appropriation or levy on establishment

Any governmental unit may provide library service for its inhabitants according to any one (1) of the following methods:

- (1) The legislative body on its own initiative may establish an independent library.
- (2) Upon receipt of a petition signed by a number of taxpayers equal to five percent (5%) of the number of votes cast for officers in the last general election of such governmental unit, the legislative body shall submit the question to a vote at the next general election by submitting the question to the county clerk not later than the second Tuesday in August preceding the general election. If a majority of those voting on the question vote in favor of the proposition, the legislative body shall forthwith establish a library, except as provided in subsection (4) of this section.
- (3) The legislative bodies of two (2) or more adjacent counties may on their own initiative, or upon a petition and vote in each county as provided in subsection (2) above, or upon the initiative of some legislative bodies and petition and vote in others, join in establishing and maintaining a regional library, provided the aggregate assessed valuation of the property assessable for local taxation in such counties is a minimum of \$10,000,000, and subject to the provisions of KRS 173.320.
- (4) The legislative body of any governmental unit may on its own initiative contract to receive service from an existing nearby library, the library of a nearby institution of higher learning, the State Department for Libraries and Archives, or from a nearby library not owned by a governmental unit but which provides free service, each of these having reciprocal power to render the service. In the event of a petition and vote as provided by subsection (2), a legislative body shall have the privilege of providing library service by contract in lieu of establishing an independent library.

When any one (1) of the above methods has been complied with, the legislative bodies of the governing units shall at once make the necessary appropriation or levy to establish and maintain such library service annually and perpetually.

173.320 Regional libraries

The establishment of a regional library shall be by contract, in writing, by the legislative bodies of the counties. The expenses of the regional library shall be apportioned between the contracting parties concerned in proportion to the taxable property of each as shown by their respective assessments and as shall be agreed upon in the contract. The treasurer of one of the counties, as provided in the contract, shall have the custody

of the funds for the regional library; and the treasurers of the other counties concerned shall transfer to him as collected all the moneys received for public library purposes and interest from library funds in their respective governmental units. The contract for a regional library shall continue in force for a period of five (5) years and no county shall be permitted to withdraw without the consent of all the other participating counties during the five (5) year period. If the legislative body of a county decides to withdraw from a regional library contract, it shall be entitled to a division of the property on the same basis as its contributions, such division being completed within six (6) months from the withdrawal date. If no unit withdraws, at the end of the five (5) year period, the contract shall continue in force for a like period.

173.330 Contracts for library service

A contract for library service made pursuant to subsection (4) of KRS 173.310 shall require the existing library to perform all the functions of a library within the governmental unit wanting service. Such contracts shall not be valid nor shall funds be obligated until the contracts are approved in writing by all the contracting parties and have been certified by the Department for Libraries and Archives as providing standard library service for the sum specified. Initial contracts shall be for two (2) years or longer, subject to renewal. The board of trustees of a regional library shall have the same power to contract for library service as is given to a legislative body in subsection (4) of KRS 173.310.

173.340 Library board of trustees

- (1) The management and control of a library shall be vested in a board of trustees. In cities and counties, the board shall consist of five (5) members except that in cities with populations equal to or greater than twenty thousand (20,000) based upon the most recent federal decennial census, it shall consist of seven (7) members. In the event a contract for library service is made pursuant to subsection (4) of KRS 173.310, the board may consist of equal representation from the contracting parties with the total membership not to exceed twelve (12). In a library region, there shall be five (5) members, except if the number of counties exceeds five (5), there shall be one (1) trustee from each county in the region.
- (2) Within thirty (30) days after the establishment of a library has been authorized by any of the methods authorized by KRS 173.310, a library board shall be appointed. In cities the trustees shall be appointed by the mayor and in counties they shall be appointed by the county judge/executive. There shall be established a board of trustees in each regional library district for purposes of coordinating library programs and effecting economies and efficiencies of the member county library systems. In each regional library district, the trustees shall be appointed by the joint action of the judges/executive of the respective counties or as may be agreed upon by contract. In any region in which there are four (4) or less counties, provision shall be made in the contract for rotation of members and an equitable adjustment of terms. If a region consists of an even number of counties, the trustees appointed by the judges/executive of the respective counties shall appoint an additional trustee whose term of office shall be four (4) years and whose successor shall be appointed by the trustees in office at the time of expiration of such term. Trustees shall be appointed from the governmental unit at large with special reference to their fitness for such office. Upon initial establishment of the board, members of the board shall be appointed to terms as follows: two (2) members for two (2) years, one (1) member for three (3) years, and two (2) members for four (4) years respectively, and thereafter trustees shall be appointed to serve terms of four (4) years. Trustees may serve for two (2) consecutive terms after which they shall not succeed themselves. They may be reappointed no earlier than twelve (12) months following the end of their last service. Vacancies shall be filled for the unexpired terms as soon as possible in the same manner as the original appointments. In the event that vacancies have existed for a period of at least six (6) months, the Governor of the Commonwealth of Kentucky, upon the recommendation of the state librarian, may make such necessary appointments. After absence of a trustee from four (4) regular monthly meetings of the board during any one (1) year of the trustee's term, the trustee shall

be considered to have automatically resigned from the board. An advisory board may be appointed and serve as specified in bylaws of the public library board of trustees.

- (3) Library trustees shall not receive a salary or other compensation for their services, but may be reimbursed for actual expenses necessarily incurred in the performance of their duties, upon approval by the board. Before entering upon the duties of his office, a trustee shall take oath that he will faithfully discharge his duties. No board shall employ as a member of its library staff any member of the board or any person related closer than a second cousin to any member of the board. No person is eligible to this office who is directly or indirectly interested in the sale to the library of books, magazines, supplies, equipment, materials, insurance or services for which library funds are expended.
- (4) A library trustee may be removed only by vote of the legislative body of the respective governmental unit from which he was appointed.

173.350 Organization of board; meetings; powers and duties

- (1) The board of trustees shall constitute a corporate body with perpetual succession. Within ten (10) days after their appointment, the appointive officer shall call a meeting of the library board to organize by the election of such officers as they deem necessary and meet on a regularly scheduled basis thereafter once each month. If the appointive officer does not call a meeting, the trustees may do so on their own initiative.
- (2) They shall adopt such bylaws and policies for their own guidance and for the government of the library as they deem expedient; have the supervision, care and custody of all property of the library including its quarters or buildings; employ a library director and upon that person's recommendation employ such other staff as may be necessary, who shall be certified in accordance with KRS 171.240 to 171.300, fix the compensation of the library director and staff; adopt personnel policies which shall include dismissal of employees; submit annually to the legislative body a budget containing estimates in detail of the amount of money necessary for the library for the ensuing year; allot funds for the purchase of library materials and supplies for the library; and do all other acts necessary for the orderly and efficient management and control of the library.
- (3) They may accept such gifts of money or property for library purposes as they deem expedient; lease or purchase land for library buildings; lease, purchase or erect an appropriate building or buildings for library purposes and acquire such other property and equipment as may be needed therefor; and may enter into contracts for library service with other library boards as provided for in KRS 65.210 to 65.300 and with other units of government as provided for in KRS 173.310(4).

173.360 Annual appropriations, amounts; powers and duties of board as to funds

- (1) After the legislative body of a governmental unit has made provisions for library service according to any of the methods set forth in KRS 173.310, the legislative body shall appropriate money annually to furnish such service. In library regions it shall not be less than three cents (\$0.03), nor more than ten cents (\$0.10) on each one hundred dollars (\$100) worth of property assessed for local taxation. In counties containing a city of the first class it shall be not more than fifteen cents (\$0.15) on each one hundred dollars (\$100) worth of property assessed for local taxation. In all other governmental units it shall be not less than five cents (\$0.05) nor more than fifteen cents (\$0.15) on each one hundred dollars (\$100) worth of property assessed for local taxation. In those instances where county library service has been established on the initiative of the fiscal court and when an appropriation of less than the minimum amount required by this subsection is proposed, the minimum amount of support for county library service may be determined annually through a mutual agreement of the county library board,

the county fiscal court, and the state Department for Libraries and Archives. This agreement shall be reflected in the records of the legislative body of the governmental unit making the appropriation.

- (2) All funds for the library shall be deposited monthly to the credit of the library board. These funds shall not be used for any but library purposes. The treasurer of the library board shall be required to execute bond with good and sufficient surety thereon for the faithful performance of his duties, the amount of the bond to be fixed by the board. If the bond has a corporate surety the premium shall be paid from the library fund. The board shall have exclusive control of expenditures, subject to an examination of accounts as may be required by the legislative body, and money shall be paid only upon vouchers approved by the board. The board shall not make expenditures or incur indebtedness in any year in excess of the amount of money appropriated and available for library purposes, except where a library board is the owner of real estate not used for library purposes, in which case they may borrow money secured solely by that property. Principal and interest on indebtedness on real estate owned by a library board not used for library purposes is not chargeable to the library funds derived from taxation.

173.370 Annual reports

At the close of its fiscal year the board of trustees of every library shall make a report to the legislative body of the governmental unit wherein the board serves, showing the condition of its trust during the year, the sums of money received for the library fund, the sums of money expended and the purposes of the expenditures, the number of books and bound periodicals on hand, the number added during the year, the number discarded, the number lent, and such other statistics and information and such suggestions as they deem of public interest. A report shall also be filed with the Department for Libraries and Archives at Frankfort, Kentucky, upon forms supplied by said department.

173.380 Free use of libraries

Every library established or maintained under KRS 173.300 to 173.390 shall be free for the use of the inhabitants of the governmental unit in which it is located, subject to such reasonable rules and regulations the trustees find necessary.

173.390 Title to money and property

The title to money or property given to or for the use or benefit of a library shall be vested in the board of trustees, to be used according to the terms of the gift. Should a library be closed or services discontinued, it shall be the duty of the governmental unit to hold all library property and funds received by gift in trust to be used for library purposes, unless the terms of the gift permit use for other purposes or unless such assets are transferred to a public library district pursuant to KRS 173.395.

173.395 Consolidation of city library with public library district; dissolution of city library tax levy; transfer of assets

- (1) If a public library district is established under KRS 173.450 to 173.800, the legislative body of any city in such county that has established a library under KRS 173.310(1) or (2) may dissolve the city library for the purpose of consolidating library services in the public library district. Such dissolution shall have the effect of removing any tax levied under KRS 173.310 for the specific purpose of establishing and maintaining the city library.
- (2) If a city library is dissolved pursuant to subsection (1) of this section, the city legislative body shall immediately file an order of dissolution with the official who is responsible for collecting any tax levied



under KRS 173.310. The official shall thereupon remove any tax levied under KRS 173.310, for the specific purpose of establishing and maintaining the city library, from the tax bills of the property owners of the city.

- (3) After the satisfaction of any existing contractual obligations assumed in connection with the dissolved library, the assets of the library shall be transferred to the public library district, unless the terms of a gift held in trust prohibit such transfer.

173.400 Status of existing libraries and contracts

Any free public library established after June 13, 1944, shall be established as provided in KRS 173.300 to 173.390. Every existing public library which has been heretofore established under provisions of state law except a city of the first class and a county containing a city of the first class shall be considered as operating under the authority of KRS 173.300 to 173.390. Every existing contract for library service shall continue until the contract be terminated or a library be established by the governmental unit for which the service was engaged. The provisions of KRS 173.300 to 173.390 shall be construed as superseding the provisions of any municipal charter in conflict therewith.

173.410 Retirement plan for employees

The governing board of any tax-supported library, created or existing under the laws of Kentucky, which has not less than two (2) full-time employees, may provide for their retirement with annuities; may adopt the American Library Association retirement plan; or make any other provisions for the retirement of its employees.