

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF KENTUCKY
NORTHERN DIVISION
AT COVINGTON
CIVIL ACTION NO. 2:12-CV-00030-DLB**

CHARLIE COLEMAN, ET AL

PLAINTIFFS

V.

**CAMPBELL COUNTY LIBRARY BOARD
OF TRUSTEES**

DEFENDANTS

AND

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF KENTUCKY
NORTHERN DIVISION
AT COVINGTON
CIVIL ACTION NO. 2:12-CV-00035-DLB**

GARTH KUHNHEIN, ET AL

PLAINTIFFS

V.

**KENTON COUNTY LIBRARY BOARD
OF TRUSTEES**

DEFENDANTS

PLAINTIFF’S RESPONSE TO DEFENDANT’S MOTION TO DISMISS

Comes now the Plaintiff, in the respective actions set forth herein, which have been consolidated by Order of this Court and tender the following Memorandum in Opposition to Defendants’ Motions to Dismiss. The respective Defendant’s Motions to Dismiss are identical in nature and Plaintiffs will respond to each in this single pleading.

I. STATEMENT OF MATERIAL FACTS

This matter has already been before the Court for a status hearing and the Court had already reviewed the Plaintiff's Complaints and discussed with Counsel for the parties the respective facts/issues, before the Court. Plaintiffs will not bore the Court with factual information already ascertained by the Court in reading the respective pleadings. A simple fact, not addressed by the Defendants, is that the Defendants do not have a published refund policy and/or any mechanism in place for the submission of a refund. More importantly, just as the plain reading of KRS 173.790 has been unilaterally ignored by the Defendants in raising tax rates, Defendants unilaterally, just jump to a conclusion that KRS 134.590 governs any refund request. Defendants do not even establish the applicability to the type of tax passed and collected and the type of governmental entity the Defendant comprises.

Plaintiffs would point out that the Defendants do not want to have the Court address the simple issue of whether KRS 173.790 or KRS Chapter 132 (HB 44), applies to the Defendants' tax rate. Instead, the Defendants seek to assert that individual taxpayers must submit a yearly refund request, since as Defendants' argue you cannot bring a declaratory action to stop them from not complying with the express provisions of KRS 173.790. Furthermore, the Defendants are disingenuous to argue that individuals can submit a claim for a refund, where the Defendants would have to acknowledge they yearly tax at a wrong rate and issue a refund. To the contrary, the Defendants' seek to assert and hope that even if KRS 173.790 applies, taxpayers will not take the time to each year apply for a refund that will likely be \$50 or less.

II. ARGUMENT

A. KRS 134.590'S EXPRESS LANGUAGE DOES NOT APPLY TO PLAINTIFFS CLAIMS

The Defendants desire to dodge and deflect the simple matter presented for this Court, does KRS 173.790 or KRS Chapter 132, govern the tax rate for the Defendants herein. Instead, Defendants seek to essentially, argue that each individual taxpayer will have to submit a yearly refund request. As asserted many times by government, most recently in connection with the recent Health Care Debate before our Supreme Court, express constitutional and/or statutes are not to be read in a simplistic, plain and common sense manner, but rather mixed and mingled with all other constitutional provisions, statutes, regulations, etc., essentially, government can do what it wants and when it wants. Words are to be applied in favor of government regulation and taxation. The rights of the people to be free of excessive government is of no concern.

Government, especially unelected taxing boards in the Commonwealth, many times refuse to acknowledge and/or refuse to comply with our respective constitutional framers and past legislative leaders, who many times provided for specifics, which are not to be disturbed, absent express language overruling a plain reading of the law.

Defendants assert that KRS 134.590 governs Plaintiff's claims for refunds of "ad valorem" taxes. Defendants' arguments fail in two respects as it pertains to KRS 134.590, if specific statutory terms are provided a plain meaning. The Defendants do not assess "ad valorem" taxes, but rather specific statutorily prescribed "special ad valorem," taxes. KRS 173.710-173.800 governs the Defendants herein. KRS 173.710 specifically provides that the term "district" means "public library district." Furthermore, KRS 173.720(2) provides that the taxes authorized upon the establishment by a Petition method are "special ad valorem taxes." 173.790 provides the specific manner in which the "Public Library District" may increase its "special ad valorem" tax.

KRS 134.590 repeatedly references, “ad valorem,” but not “special ad valorem” taxes. The term “special ad valorem,” is separate and distinct from “ad valorem” taxes. The Kentucky Supreme Court has differentiated between “ad valorem” and “special ad valorem,” taxes. The Court struck down a “special ad valorem” tax, in that it was a tax passed by the Northern Kentucky Area Planning Commission in addition to its yearly “ad valorem” tax. *Kling v. Northern Kentucky Area Planning Commission*, 654 S.W.2d 606 (Ky. 1983). Furthermore, the Kentucky Supreme Court has provided rules of statutory construction for purposes of determining the language of a statute. “Where the language of a statute is clear and unambiguous on its face, we are not free to construe it otherwise even though such construction might be more in keeping with the statutes apparent purpose.” *MPM Fin. Group, Inc. v. Morton*, 289 S.W.3d 193,197 (Ky. 2009).

Defendants seek to assert that the term “ad valorem” means any and all types. The language of the statutes governing the governance of the Defendants herein is specific and the legislature identifies the tax as a “special ad valorem” tax versus the “ad valorem” tax identified in KRS 134.590. *See also; Dunn v. Marshall County Hospital District of the County of Marshall*, 543.S.W.2d 767 (Ky. 1976); *Hardin County Fiscal Court v. Hardin County Board of Health*, 899 S.W.2d 859 (Ky.App. 1995); *Crafton v. Board of Trustee of the Henderson County Public Library*, 554 S.W.2d 82 (Ky. 1977), each case references specific statutes using “special ad valorem” taxes.

In addition to, KRS 134.590, outlines specific governmental units for which the “refund” legislation applies. Under KRS 134.590(3), the refund of ad valorem taxes only applies to “city, urban-county, county, school district, consolidated local government, or **special districts...**” Defendants’ fail to provide the basis upon which they should be

deemed a “special district.” Kentucky statutes clearly differentiate between “taxing districts” and “special districts.” KRS 65.160 – 65.176, provides what constitutes a “special district.” KRS 65.180 – 65.192, establishes “taxing districts.” More importantly, “taxing districts,” under KRS 65.180, reference is made to KRS 173.710 – 173.800, the Library Statute applicable to Defendants herein.

It is a general rule of statutory construction that enumeration of particular items or categories excludes others not specifically mentioned. *Schwindel v. Meade County*, 113 S.W.3d 159 (Ky. 2003). KRS 134.590 does not apply to the specifically defined, “public library district,” as set forth in KRS 173.710. The exclusion by the legislature is indicative and requires no further statutory interpretation. Arguably, Defendants will assert that while KRS 173.710 provides that the Defendants are specific, statutorily defined “public library districts,” this Court should call them “special districts” and apply KRS 134.590.

Defendants’ argument will require activism and disregard of a specifically defined district. Regardless of KRS 173.710, Defendant must argue that legislature intended, while not mentioning “public library district” and “taxing district” in the text of KRS 134.590, to have KRS 134.590 apply. If the legislature intended for the category of “public library district,” and/or “taxing district” to be included, the text would state as such. The absence and inapplicability of KRS 134.590, is further shown by subsection (4), which provides the persons upon which a refund request may be made. Specifically,

(4) Refunds of ad valorem taxes shall be authorized by the mayor or chief finance officer of any city, consolidated local government, or urban-county government for the city, consolidated local government, or urban-county government or for any special district for which the city,

consolidated local government, or urban-county government is the levying authority, by the county/judge executive of any county for the county or special district for which the fiscal court is the levying authority, or by the chairman or finance officer of any district board of education.

KRS 134.590(4)

The Defendants herein are the levying authority, not a city or county. In as much, because the Defendant is not a “special district,” the provision advising as to where a refund should be submitted, is inapplicable. Defendants broadly assert KRS 134.590’s application, but fail to provide a basis upon which a city or county should receive a request for refund for a tax that they do not levy. I am quite certain that the Defendants would not desire to have the Fiscal Court decide to lower their rate. The answer is found in KRS 173.710 – 173.800, the rate is set and bills are issued per the electorate’s decision set forth in the enabling petition.

Defendants’ assert that KRS 134.590(6) requires that the Plaintiffs “exhaust administrative remedies.” The Defendants’ Counsel cannot point to an “administrative remedy,” that their respective clients’ have adopted. Furthermore, KRS 134.590(6) outlines specific KRS provisions for which remedy procedures exist. Specifically, KRS 134.590(6)t states:

No refund for ad valorem taxes, except those held unconstitutional, be made unless the taxpayer has properly followed the administrative remedy procedures established through the protest provisions of KRS 131.110, the appeal provisions of KRS 133.120, the correction provisions of KRS 133.110 and 133.130, or other administrative remedy procedures.

The specific statutes referenced are inapplicable to the case. More importantly, the illustrate the intent of the legislature that the statutes set forth above regarding

imposition of assessed value, etc, are the subject matter for which appeals/refund requests should be made.

KRS 134.590 applies to ad valorem taxes and special districts. The Defendants' herein collect special ad valorem taxes and are a public library district, or at best a taxing district. In enacting KRS 134.590, the legislature made a proverbial laundry list of applicable agencies, city, urban-county, school districts, consolidated local government, or special districts. Absent is public library district or taxing district. In as much, the enumeration of specific applicable governmental units, excludes others not specifically mentioned. *Schwindel v. Meade County*. The cases cited by the Defendants involve cities, board of education, and the department of revenue, each of which pass yearly "ad valorem" taxes and are specifically identified in KRS 134.590.

B. If KRS 134.590 Applies it is Inapplicable to the Claims, Because It is Unconstitutional and/or In Violation of Jural Rights

If the Court determines that KRS 134.590 applies, Plaintiffs do not have to exhaust an administrative remedy when "attacking the constitutionality of a statute or the regulation as void on its face." *Popplewell's Alligator Dock No. 1, Inc. v. Revenue Cabinet*, 133 S.W.3d 456, 470 (Ky. 2004). Plaintiff's claims are based on action taken by the Defendants, which required Plaintiff's to pay a tax. In as much, Plaintiff's can show injury as a result of the Defendant's unlawful failure to comply with KRS 173.790. By enacting a tax increase in violation of KRS 173.790, Defendant's have already conducted a statutory application. This is evident from the fact that the respective Defendant's employ Counsel, who assumingly have advised them of a belief that KRS 173.790 does not apply. In addition to, bonds have been issued, requiring both bond counsel and library board counsel to identify ample revenue sources. For Defendants to

argue that Plaintiff's have not suffered injury and that Defendants have yet to consider the application of KRS 173.790 goes against common sense. The respective Defendant Board's employ counsel, who have represented the Board for numerous years.

Furthermore, the state has published a Library Trustee Manual, which references both House Bill 44 and KRS 173.790. A copy of which is attached hereto as Exhibit A. see specifically pages 20-21. As set forth above, the Manual identifies the statute upon which each library in the state was enacted, further illustrating that the Defendants' are not special districts.

Clearly KRS 173.790 has been applied, in that a manual has been produced and the Defendant's employ counsel who presumably have advised that they believe KRS 173.790 is not applicable. "One must first show injury as a result of a statutory application, before that application may be attacked as unconstitutional." *Commonwealth v. DLX, Inc.*, 42 S.W.3d 624 (Ky. 2001); quoting, *Stein v. Kentucky State Tax Commission*, 99 S.W.2d 443, 445 (Ky. 1936).

Aside from asserting that Plaintiff's must exhaust administrative remedies under KRS 134.590, Defendants also argue that KRS 134.590 sets a two year statute of limitations and prohibition against a class action. As set forth herein, KRS 134.590 does not apply and Defendants' arguments are misplaced. In addition to, Plaintiff's have not moved the Court to certify a class yet and since KRS 134.590 does not apply, the applicable statute of limitations is five years pursuant to *Maximum Machine Co., Inc. v. City of Shepherdsville*, 17 S.W.3d 890 (Ky. 2000).

Should the Court determine that KRS 134.590 is applicable, said application is in violation of Kentucky's Jural Rights Doctrine. The Jural Rights of the Kentucky

Constitution is derived from a reading of Sections 14, 54 and 241. The doctrine has also been articulated as “preclud[ing] any legislation that impairs a right of action in negligence that was recognized at common law prior to the adoption of the 1891 Constitution.” *McDowell v. Jackson Energy RECC*, 84 S.W.3d 71, 73 (Ky. 2002).

The Kentucky Supreme Court has examined tax refund cases against a Board of Education. In the case of *Inland Container Corporation v. Mason County*, 6 S.W.3d 374 (Ky. 1999), the Kentucky Supreme Court determined that a common law refund exists in Kentucky. More importantly, the Kentucky Supreme Court examined the issue of voluntary versus involuntary tax payments. As set forth above, KRS 154.390 is invalid and constitutionally unsound in that it requires that the tax be paid, before a refund may be sought.

The common law cause of action exists if Plaintiff’s can show “invalidity and involuntariness.” *Id.* at 378. To the extent that Defendant’s argue that KRS 134.590 is not invalid, Defendants fail to provide the “regulatory scheme,” upon which Plaintiff’s must bring a refund request. *Id.* As set forth above, KRS 134.590(6) references specific statutes, each of which are inapplicable to the case at hand. The final provision, “or other administrative remedy procedures,” does not exist. Defendants have failed to provide lawfully enacted “administrative remedy procedures,” which are regulatory in nature. The reason is that Defendants are not a body that passes ordinances, rules and/or regulations. Defendants’ tax rate is fixed and only may change if a petition similar to the one that created each of the Defendants’, is presented for an increase.

As to involuntariness, “the law will presume that tax payments are made involuntary or under duress when a burdensome penalty may be exacted for failure to

pay.” *Id.* Defendants do not dispute the allegations in Plaintiff’s complaint that failure to pay the tax in question results in a tax lien on Plaintiff’s property, which is clearly burdensome. Furthermore, the U.S. Supreme Court has determined that “when a tax is paid to avoid financial sanctions ... the tax is paid under duress.” *Id.*, *see also*; *McKesson Corp., v Division of Alcoholic Beverages and Tobacco*, 496 U.S. 18 (1990).

Defendants seek to deny post deprivation due process, in that they assert KRS 134.590 requires Plaintiff’s to first pay and then seek an administrative refund. Defendants further seek to deny Plaintiff’s any procedural due process, to the extent that KRS 134.590(6) requires, “administrative remedies,” be exhausted, when said administrative remedies do not exist. The Defendants, to the extent KRS 134.590 applies, have failed in establishing any administrative remedy procedures and cannot assert that Plaintiff’s must exhaust a non-existent remedy. Said actions make the law unconstitutional, as applied and/or in violation of Kentucky’s Jural Rights Doctrine.

Lastly, the “special ad valorem” tax was established by petition. The tax was fixed and not subject to change, unless KRS 173.790 was followed. To the extent that the Defendants have unilaterally exceeded their authority and adopted an additional “ad valorem” tax, said tax is unconstitutional and properly brought before this Court. The Kentucky Supreme Court, as set forth above, in *Kling v. Northern Kentucky Area Planning Commission* enunciated that enacting an additional “special ad valorem” tax was unconstitutional. Furthermore, the Kentucky Supreme Court in *City of Bromley v. Smith*, 149 S.W3d 403 (Ky. 2004), examined the enactment of taxes for which are in violation of the Kentucky Constitution. The applicable tax, constitutionally and statutorily allowed herein is as follows: 0.06% per \$100 for Defendant Kenton and 0.03%

per \$100 for Defendant Campbell. Enactment of additional tax by the Defendants herein is not based in law, but rather an unconstitutional tax in that it is not authorized, regardless of whether it is based on property values. *See also; Barber v. Commissioner of Revenue*, 674 S.W.2d 18 (Ky.App. 1984).

The increase by Defendants from their petition approved rate is an additional tax, whether classified as ad valorem, special ad valorem, special assessment and/or any other name the Defendants choose to provide, constitutionally and statutorily it is not authorized, making KRS 134.590 inapplicable.

C. Plaintiff's Declaration of Rights Action is Proper

Whether KRS 134.590 is applicable herein, Plaintiffs have set forth a proper Declaratory Judgment action. Presently, as evidenced by the express language on page 20-21 of the Kentucky Public Library Trustee Manual, a conflict between House Bill 44 and KRS 173.790. As Defendant Campbell County has repeatedly acknowledged in the press, it intends to exceed its compensating tax rate as set forth under House Bill 44, which subjects said increase to recall. This assumes that House Bill 44 applies to the taxes levied by the Defendants. More importantly, there are no limitations to increases under House Bill 44, unless a petition challenging is presented and an election held.

The Trustee Manual, then without referencing KRS 173.790, then provides that "Taxing districts may increase their tax rate significantly by the same method in which they were established." The term "significantly" is not found in the text of KRS 173.790, yet appears to serve as a basis for KRS 173.790 not being followed. If House Bill 44 applies, the tax may be increased "significantly," provided a petition and subsequent election overturning does not occur. Ironically, the Manual goes further to state, "The

statutes governing this activity are very precise, and the Board may wish to ask the local Regional Consultant for technical assistance in undertaking such a project.” Presumably, the Defendants Boards herein have either asked and been told that the “specific” language of KRS 173.790 does not apply having been overturned by House Bill 44 or that while not contained in the “specific statutes” reference in the Manual, KRS 173.790 only applies to “significant” tax increases.

The Plaintiffs have filed this case for a declaratory judgment, on a matter that the Trustee Manual refuses to answer and/or assert that words non-existent in a statute’s text, “significantly,” apply. KRS 418.040 provides for the filing of a Declaration of Rights, provided an “actual controversy” exists. Actual controversy, for purposes of the declaratory judgment statute requires a controversy over present rights, duties and liabilities; it does not involve a question which is merely hypothetical or an answer which is no more than an advisory opinion.” *Barrett v. Reynolds*, 817 S.W.2d 439 (Ky. 1991).

Defendants assert that the Kentucky Court of Appeals case, *Bischoff v. City of Newport*, 733 S.W.2d 762 (Ky.App. 1987) does not allow for a declaratory action. Plaintiff’s claims specifically are for injunctive relief prohibiting the future imposition of rates prohibits by KRS 173.790. The Court of Appeals in *Bischoff* stated, there are two actual controversies with to respect to ad valorem. The “first of these would occur when a taxpayer or taxpayers wish to avoid paying a levied tax believed to be based on an illegal rate. In this circumstance a declaratory judgment could be brought by the taxpayers before paying the tax.” *Id.* at 764. The second is when a taxpayer has already paid a tax and seeks a refund. As set forth above, KRS 134.590 is inapplicable to the

case at hand, but should the Court determine otherwise, Plaintiff has presented a claim for a declaratory judgment to avoid the continued imposition of a tax based on an illegal rate.

Plaintiff is not seeking a hypothetical or advisory opinion, but rather an answer that Defendants refuse to seek, even though their own Trustee Manual sets forth a controversy.

D. Plaintiff's Claims are not Barred by Sovereign Immunity

Kentucky has long recognized the right of a taxpayer to seek a refund of unlawful taxes. The *Inland Container Corporation v. Mason County* clearly establishes a right to bring an action for the unlawful taking of one's property in the form of taxes. Under Defendant's assertions, government could just tax, without regard to any law/limitations, and the taxpayers have no recourse. Kentucky Jurisprudence has long acknowledged a right to seek refunds, regardless of any claim for sovereign/governmental immunity.

III. CONCLUSION

In that KRS 134.590 by its express terms does not apply. In the event this Court determines it is applicable, as applied, the refund statute is unconstitutional in that it lacks required enactments outlining refunds procedures and/or is in violation of Kentucky's Jural Rights Doctrine. Finally, Plaintiff's have properly filed a Declaration of Rights action for the question inferred in the Library Manual. A proper question and/or controversy exists. In as much, Plaintiff's would ask this Court to overrule Defendants Motions to Dismiss.

Respectfully Submitted,

/s/ Brandon N. Voelker
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CERTIFICATION

This is to certify that on the 6th day of April, I electronically filed the foregoing with the clerk of court by using the CM/ECF system which will send a notice of electronic filing to counsel of record for all parties.

/s/Brandon N. Voelker
Brandon N. Voelker

**KENTUCKY
PUBLIC LIBRARY
TRUSTEE
MANUAL
2009**



Kentucky Department for Libraries and Archives
www.kdla.ky.gov

BOARD OF TRUSTEES

Members of my local Library Board are:

President _____

Vice-President _____

Secretary _____

Treasurer _____

Member _____

My appointment expires _____
(Date)

Regular board meeting _____

Time _____

Library Director _____

Regional Consultant _____

Kentucky Public Library Trustee Manual

Manual Committee:

Roberta Anthony, *Breckinridge County Public Library Trustee*
Marjorie Flowers, *Green River/Pennyrile Regional Librarian*
Nelda Moore, *Lincoln Trail Regional Librarian*
Linda Stith, *Bluegrass Regional Librarian*
Ann Wyatt, *Barren River Regional Librarian*

Revised 1999
Second Printing 2000
Revised 2009

2007 Revision Committee

Roberta Anthony, *Breckinridge County Public Library Trustee*
Harry (Buddy) Bell, *Oldham County Public Library Trustee*
Barbara Caron, *Grant County Public Library Director*
Cathy Matthews, *Owen County Public Library Director*
Charlotte McIntosh, *Northern Kentucky Regional Consultant*
Nelda Moore, *Lincoln Trail Regional Consultant*
Paul Poland, *Scott County Public Library Trustee*

Available in alternate formats upon request

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GENERAL DUTIES AND RESPONSIBILITIES OF ALL TRUSTEES

The trustee is legally appointed, with powers and duties set out in the Kentucky Revised Statutes, Chapter 173. All authority for operation of the library resides in the board, taking action as a quorum in a public meeting. No authority resides in the individual member.

When a person becomes a board member, he/she must assume these general duties and responsibilities:

- Attend all board meetings; participate in discussion; and support board decisions.
- Advocate for the library in the community and advocate for the community as a member of the library board.
- Secure adequate funds for the library.
- Hire a qualified and competent library director and delegate all management responsibilities.
- Support the library director, but also demand accountability for a quality library.
- Plan for the future with a written strategic plan not to exceed three years' coverage and annual plans derived from the strategic plan.
- Monitor and evaluate:
 - the finances;
 - the director's performance;
 - the library's progress toward its goals; and
 - the board's performance.
- Establish policies for the library.
- Comply with federal, state, and local laws and regulations that pertain to public libraries.

For more detail on trustee duties and responsibilities, see Roles of Trustees, Director, and Regional Consultant on pages 11-17.

LEGAL ISSUES

All authority for operation of the library resides in the board, taking action as a quorum. No authority resides in the individual member. Individual trustees do not have power or authority to commit the library or to speak for the board, unless so authorized on a case by case basis.

Trustees may be held liable:

- if they or their employees make errors when they act outside the scope of their library authority.
- for failing to act when they should have acted (either to do something required by law or to stop actions that are illegal).
- for the negligence of the library staff or of themselves.
- for statements made in haste or for angry actions taken by another board member or the library staff.
- when a member of the board or the library staff in good faith accuses a person of committing a crime, but is mistaken in judgement or identification.
- when a conflict of interest exists between a trustee's obligation to the public or constituency and his/her own personal interest.
- for failing to act in compliance with all local, state, and federal laws and regulations.

THE BOARD AS A WHOLE MAY LESSEN LIABILITY BY:

- Assuring the library's financial statements are available to the public.
- Reviewing and approving standard budget forms.
- Reviewing financial statements and vouchers monthly.
- Reviewing fiscal controls and assuring an audit is completed as required by law.
- Conducting the library board's business by generally accepted parliamentary procedures.
- Reviewing library and board policy manuals annually.
- Assuring timely filing of all required reports (Annual Report, UFIR, budget to county clerk, etc. See list of deadlines on page 27.)
- Maintaining confidentiality in matters of personnel or other matters protected by law.
- Obtaining appropriate liability insurance.

INDIVIDUAL TRUSTEES MAY LESSEN LIABILITY BY:

- Being active: attending meetings, studying, questioning, voting on all issues, monitoring progress and maintaining active committees.
- Reading the minutes and making corrections.
- Reading the financial statements and understanding them.
- Voting against proposed actions if insufficient information is available to make a decision. Absenteeism and abstentions are probably not enough to protect against liability. If a trustee abstains because of insufficient information, he/she should follow up on the issue and let the record show his/her position.
- Voting no if the rest of the board votes to do an illegal or improper act.
- Assuring that the minutes of each meeting are maintained and that votes are properly recorded.
- Not condoning conflicts of interest on the board, including those involving money, services, or influence. Such conflicts, or the appearance of such conflicts of interest, should be brought to the attention of the entire board.
- Informing the board of a potential or suspected conflict of interest related to oneself.

SELECTED STATE LAWS AFFECTING TRUSTEES

Open Meetings Act and Open Records Act:

KRS 61.800-61.850 Library board meetings must be open to the public except in certain specific instances. Exceptions to open meetings applicable to library boards are:

- 1.(b) deliberations on the buying or selling of real property;
- 1.(c) discussion of proposed or pending litigation against or on behalf of the board;
- 1.(f) “discussions or hearings which might lead to the appointment, discipline, or dismissal of an individual employee, without restricting that employee’s right to a public hearing if requested.” (This exception shall not be interpreted to permit discussion of general personnel matters in secret.)

[When going into closed session, the board must state for the record the KRS citation; therefore the exact subsections are listed. Example: KRS 61.810, Section 1, subsection f, to discuss a personnel issue.]

KRS 61.823 Special called meetings or rescheduled regular meetings must abide by specific rules involving agendas and giving public notice of said meeting.

KRS 61.870-61.884 All public records shall be open for inspection. This includes library board meeting minutes, budgets, annual reports, etc., but does not include patron records.

KRS 15.257 Newly appointed trustees are required to be given copies of *Your Duty Under the Law* and *Managing Public Records* within 60 days of appointment and sign a Receipt of Signature form that is then filed with the County Judge-Executive’s office.

Taxing District Requirements: Audits and Descriptive Information:

KRS 65.065 All taxing districts with annual operating budgets of less than \$750,000 must have an audit at least every four years; all taxing districts with either an annual operating budgets more than \$750,000 or who expend over \$750,000 in a single year must have an annual audit.

KRS 65.070 All taxing districts are required to publish the names and addresses of the members of its governing body and chief executive officer [director], and either a summary financial statement or the location of district financial records which may be examined by the public.

Board Meeting Frequency and Attendance:

KRS 173.350; 173.500; 173.735 The board shall meet on a regularly scheduled basis once each month.

KRS 173.340; 173.490; 173.730 Absence of a trustee from four regular monthly meetings of the board during one year of the trustee's term shall constitute automatic resignation.

Board Terms, Compensation, and Removal:

KRS 173.340; 173.490; 173.730 Except for the initial establishment or filling unexpired terms, trustees may serve for two (2) consecutive terms (four years each) after which they shall not succeed themselves for at least one (1) year.

KRS 173.340; 173.510; 173.740 Members of the board shall not receive compensation for their services, but shall be reimbursed for their actual expenses necessarily incurred in the performance of their duties.

KRS 173.340; 173.490; 173.740 A library trustee may be removed only by vote of the legislative body of the respective governmental unit from which he/she was appointed.

Board Officers:

KRS 173.500; 173.735 Officers of the board shall be elected for a term of two (2) years.

KRS 173.360; 173.540; 173.735 The Treasurer of the board shall be bonded in an amount set by the board.

Nepotism and Conflict of Interest:

KRS 173.340; 173.510; 173.740 No board shall newly 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.

KRS 173.340; 173.510; 173.740 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.

Filling Board Vacancies:

The process by which vacancies on the library board are filled is determined by the method by which the library was established.

Libraries established as units of local government under KRS 173.310:

(Barren, Crittenden, Elliott, Fayette, Hardin)

1. The board notifies the appointing authority (county judge-executive for county libraries; mayor for city libraries) of vacancy(ies);
2. The appointing authority, with the approval of fiscal court (county libraries) or city council (city libraries), appoints the individual to the library board to either a full term of four (4) years or the remainder of an unexpired term;
3. The newly appointed trustee takes the Oath of Office* before a judicial officer.

Libraries established as taxing districts under KRS 173.470:

(Bath, Boone, Carroll, Clay, Fleming, Floyd, Fulton, Gallatin, Graves, Harlan, Lawrence, Lewis, Lincoln, Magoffin, Muhlenberg, Nicholas, Ohio, Robertson, Rockcastle, Simpson)

1. For each vacancy, the board selects two (2) names of individuals committed to the provision of library service;
2. The names are submitted to the Kentucky Department for Libraries and Archives;
3. The state librarian and commissioner approves the names and sends the recommendations to the local county judge-executive;
4. The county judge-executive, with the approval of fiscal court, appoints one of the two provided names to either a full term of four (4) years or the remainder of an unexpired term;
5. The newly appointed trustee takes the Oath of Office* before the county judge-executive or other judicial officer.

Libraries established as taxing districts under KRS 173.710:

(Adair, Allen, Anderson, Bell, Bourbon, Boyd, Boyle, Breathitt, Breckinridge, Bullitt, Butler, Caldwell, Calloway, Campbell, Casey, Clark, Clinton, Cumberland, Edmonson, Estill, Franklin, Garrard, Grant, Grayson, Green, Greenup, Hancock, Harrison, Hart, Henderson, Henry, Jackson, Jessamine, Johnson, Kenton, Knox, Knott, LaRue, Laurel, Lee, Leslie, Letcher, Logan, Lyon, Marion, Marshall, Martin, Mason, McCreary, Meade, Menifee, Mercer, Metcalfe, Monroe, Montgomery, Morgan, Nelson, Oldham, Owen, Owsley, Pendleton, Perry, Pike, Powell, Pulaski, Rowan, Russell, Scott, Shelby, Spencer, Taylor, Todd, Trimble, Union, Washington, Wayne, Webster, Whitley, Wolfe, Woodford)

1. For each vacancy, the board selects two (2) names of individuals committed to the provision of library service;
2. The names are submitted to the Kentucky Department for Libraries and Archives;
3. The state librarian and commissioner approves the names and sends the recommendations to the local county judge-executive;
4. The county judge-executive, with the approval of fiscal court, appoints one of the two provided names to either a full term of four (4) years or the remainder of an unexpired term;
5. The newly appointed trustee takes the Oath of Office* before the county judge-executive or other judicial officer.

Libraries established as taxing districts under KRS 65.182:

(Bracken, Madison, Trigg):

1. For each vacancy, the board selects two (2) names of individuals committed to the provision of library service;
2. The names are submitted to the Kentucky Department for Libraries and Archives;
3. The state librarian and commissioner approves the names and sends the recommendations to the local county judge-executive;
4. The county judge-executive, with the approval of fiscal court, appoints one of the two provided names to either a full term of four (4) years or the remainder of an unexpired term;
5. The newly appointed trustee takes the Oath of Office* before the county judge-executive or other judicial officer.

Libraries established under KRS 65.210 (Ballard/Carlisle/Livingston, Christian, Hopkins, Jefferson, Carter):

The process by which board vacancies are filled for libraries established under this statute are determined at the time of establishment and continue in perpetuity.

Libraries established under KRS 67.715:

(Daviess, McCracken, Warren)

1. For each vacancy, the board selects two (2) names of individuals committed to the provision of library service;
2. The names are submitted to the Kentucky Department for Libraries and Archives;
3. The state librarian and commissioner approves the names and sends the recommendations to the local county judge-executive;
4. The county judge-executive, with the approval of fiscal court, appoints one of the two provided names to either a full term of four (4) years or the remainder of an unexpired term;
5. The newly appointed trustee takes the Oath of Office* before the county judge-executive or other judicial officer.

* The Oath of Office for library trustees may be found at www.kdla.ky.gov.

OFFICERS AND THEIR DUTIES

The by-laws adopted by the board should stipulate the board officers, their duties, responsibilities, and authority. The procedure for nomination and election of officers as well as the procedures for filling officer vacancies should also be included in the by-laws. The Kentucky Revised Statutes identifies those officers needing to be appointed.

PRESIDENT

The president presides, guides, and ensures coverage of all topics during a meeting. Routine business and minor items should be disposed of as quickly as possible to leave time for discussion of important matters.

The president does not have the authority to act independently for the board. He/she may be authorized by the board, voting in a quorum, to act on their behalf on a specific issue.

Other duties include:

- Prepares, with the director, the agenda for the board meeting
[see Appendix for sample]

- Starts meetings promptly at the appointed time

- Signs approved minutes of the previous meeting

- Signs approved payment voucher at each meeting, authorizing payment of bills
(KRS 173.540; 173.755)

- Signs official board correspondence

- Notifies, in writing and by certified or registered mail, any trustee of his/her automatic resignation upon missing four (4) regular monthly meetings in any one year of his/her term.

- Appoints all committees

- Signs all grant applications

- Signs approved contracts

- Authorizes calls for special meetings

VICE-PRESIDENT

The vice-president serves as the presiding officer in the absence of the president.

SECRETARY

The secretary is responsible for recording the proceedings of each meeting, though the actual task may be delegated. The record of proceedings (minutes) are reviewed at the next meeting, corrected if necessary, and approved (this should be noted in the current meeting's minutes). The secretary and the president are required to sign the minutes of each meeting after the board approves them. [A sample set of minutes appears in the Appendix.]

The approved minutes are the official record of board action. The minutes should be kept in a secure place known to all members of the board and should be readily accessible. Only that information recorded in the minutes can be considered official. The minutes should include:

- the nature of the meeting, whether regular or special
- the time and place of the meeting
- the names of those present
- approval of the previous meeting's minutes
- a complete record of official action taken by the board
- the record of all motions exactly as stated whether adopted or rejected
- the record of adjournment (no business may be legally transacted following adjournment or at any time when less than a quorum is present)

A regular procedure in recording motions should be followed. The following is one suggested form:

Richard Jones moved and Melissa Smith seconded that the board authorize the purchase of the Acme library security system as recommended by the library director. Yeas: Jones, Smith, and Peters. Nays: Gilbert and Coates.

The secretary should also keep a note of when members arrive and leave during meetings in order to prove the existence of a quorum whenever any action is taken.

The secretary is required to sign the payment vouchers, along with the president, after they have been approved at each regular monthly meeting.

The secretary notifies, in writing, any trustee that has missed three (3) regular monthly meetings in any one year of his/her term, copied to the president. A term year is the 12-month period from which all appointments of a given board begin; it is not necessarily a fiscal year or a calendar year.

All official correspondence of the board should be written on library letterhead and signed by the president or secretary.

TREASURER

The treasurer is responsible for all fiscal records and controls and shall be bonded in an amount determined by the board (KRS 173.360; 173.540; 173.755). The treasurer is responsible for reporting on the state of the finances at the monthly meetings. The treasurer signs checks for disbursements from the library account, upon receipt of a board approved itemized voucher (KRS 173.360; 173.540; 173.755).

Library checks should require two signatures, one of which must be a trustee. Signature cards at all banks should be kept current, with careful attention to removing names once an individual leaves the library board.

It is recommended that the treasurer chair the budget/finance committee. If there is no budget/finance committee, the treasurer should be involved in preparing the annual proposed budget for board consideration.

ROLES OF TRUSTEES, DIRECTOR, AND REGIONAL CONSULTANT

Even though the board delegates the actual day-to-day operation of the library to professional paid staff, the board never gives up ultimate bottom-line responsibility for the success or failure of the library.

In providing the community with public library service, trustees, library directors, and the KDLA regional office have related, but distinct, roles. Best results occur when all concerned recognize the relationship of these roles. The following is a comparison of the three roles and their interrelationships:

TRUSTEES

DIRECTOR

REGIONAL CONSULTANT

OVERVIEW

Library boards have been created by law to act as the governing body of the library. Thus library trustees are public officials, and the powers delegated to them are a public trust. Duties and responsibilities include fulfilling legal responsibilities established by statute, as well as establishing policies governing the day-to-day operation of the library. Although the board and director must work closely together in developing a library program, their obligation and responsibilities are entirely different.

The library director is responsible to the library board for implementing the board-adopted policies and strategic plans for the development of the library program. The director recommends needed policies for board action; acts as a technical adviser to the board; provides financial management of library funds; hires, supervises, evaluates, disciplines, and fires all personnel; and suggests and implements plans for continually improving and extending library services.

The relationship between the local library and the regional office of KDLA, supported by a contractual agreement between KDLA and the local library board, is one of cooperation and is directed to the improvement of library service. The regional office provides professional assistance to boards, management, and staff, generally in the form of advice, recommendation, and training. Hands-on assistance is available whenever appropriate and requested.

TRUSTEES

DIRECTOR

REGIONAL CONSULTANT

POLICY MAKING AND GOVERNANCE		
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Ensure the development and adoption of written policies for personnel and library operations. Adopt by-laws and policies for board procedures.

Proposes policies and procedures; advises board when revisions or additional policies are needed; and implements all policies and procedures adopted by the board.

Advises the board and director of policies or policy revisions needed and supplies samples of policies from other libraries, ALA, etc.

Know library laws and support legislation that improves the quality of library service.

Knows library laws and supports legislation that improves the quality of library service.

Keeps library board and staff informed of changes in library laws and of proposed legislation that would affect library service.

Work with county and city officials to ensure that they understand the value of the library and support the services it provides.

Provides necessary data and/or reports to local and state government and assists the board in explaining library services and programs to governing bodies.

Assists library board, management, and staff with the provision of information and reports to local and state governments.

Report regularly to governing bodies and to the state through the regional office.

Collects and maintains statistical data and information for reporting to library board and regional office.

Collects and maintains statistical data and information for reporting to local boards, local governments, and KDLA.

Attend all board meetings and those committee meetings to which assigned. Carry out special assignments promptly. Follow through by securing appropriate board action.

Attends all board meetings *except* those where his/her salary is being discussed and that part of the meeting in which the board is discussing performance prior to the formal evaluation process.

Attends all regular and special called meetings of the board. Attends closed sessions of the board when requested to do so by the board.

TRUSTEES

DIRECTOR

REGIONAL CONSULTANT

PLANNING, MARKETING, and PUBLIC RELATIONS

Develop and adopt a strategic plan for the library; review and revise it at least annually.

Drafts the strategic plan following board-adopted service responses, goals, objectives, and creates plans of action for board review and adoption.

Provides information and training in the strategic planning process. Facilitates strategic planning committees through early steps of process.

Monitor and revise goals and objectives, as needed, to meet changing conditions.

Makes regular progress reports to the board and regional office. Advises of problems which may delay actions as targeted.

Reviews plans and makes recommendations to the director and board as needed.

Adopt a Marketing Plan for the library; offer suggestions for refining and/or updating; and provide community feedback.

Drafts a Marketing Plan for board adoption. Monitors progress, revises as necessary, and involves board and staff in promoting the library following the plan's direction.

Advocates for marketing library services; provides information on writing Marketing Plans.

Establish, support, and participate in a planned public relations program. Keep the general public informed about library services and programs, serving as the "connecting link" between the library and the community.

Participates in planning and implementation of a public relations program. The director actively promotes the library program at every opportunity and encourages staff to promote "good will" for the library.

Provides training and resources for library promotion.

TRUSTEES

DIRECTOR

REGIONAL CONSULTANT

FINANCE

Work with the director in the preparation of an annual written budget with adequate justification for each element.

Works with the board's finance committee and/or the full board in preparation of budget with justifications for each element.

Provides information and examples of written budgets with adequate justification. Assists in the preparation of the budget as requested.

Review financial reports at each board meeting. Monitor expenditures line by line in relation to budget.

On a regular basis supplies to the board financial reports that include funds received by source, line item expenditures, and fund balances.

Reviews financial reports and procedures. Provides the board with suggestions for strengthening its accountability as requested.

Review procedures and records for accuracy and completeness. Approve monthly vouchers. Arrange for audits as required by law.

Maintains financial records as required by state statutes and accepted governmental accounting procedures. Assembles all documents necessary for audit.

Assists director in proper financial practices and in developing reporting formats and techniques as requested.

Assure the timely preparation and filing of the *Annual Report of Public Libraries Application for State Support*.

Prepares the *Annual Report* for the board, local government, and KDLA.

Monitors annual financial reporting of income and expenditures provided on the *Annual Report*.

Explore all ways of increasing the library's funding: increasing local taxes, tapping other sources of income, and taking advantage of all available means of cooperation with other libraries.

Supplies facts and figures to board to aid in interpreting library's financial needs; suggests ways of expanding the budget; and informs board of opportunities for cooperation with other libraries.

Explains methods by which local taxes may be increased; provides information about discretionary grants from KDLA; and promotes cooperation with other libraries.

TRUSTEES

DIRECTOR

REGIONAL CONSULTANT

PERSONNEL

Observe all local, state, and federal laws that relate to current employment practices.

Keeps current on changes in laws applicable to employment practices. Furnishes board with latest employment information regarding changes in local, state, and federal law.

Keeps the board and director informed of changes in employment laws and practices.

Establish a well-defined hiring policy to be followed for all positions. Ascertain that all local, state, and federal laws are met regarding maintenance of personnel records.

Follows the board adopted hiring policy and establishes an employment procedure for filling staff vacancies. Advises board when additional positions are needed to improve the delivery of library services.

Provides information about employment and interviewing techniques. Provides training in the legal restrictions in hiring, especially in the interview process. Assists in the search and interview process as requested.

Approve job descriptions, salary scales, benefits package, and personnel policies; all should be based upon jobs of a comparable nature in other agencies, businesses, or public libraries.

Creates and administers ADA compliant job descriptions, salary scales, and personnel policies. Notifies staff as changes are made. Advises board of needed policy changes and/or additional policies.

Provides comparative information from other public libraries regarding job descriptions, pay scales, benefits available, and personnel policies. Assists in the formation of policies as requested.

Employ a competent, qualified library director following a well-defined search plan. Evaluate the performance of the library director at least annually.

Hires, supervises, evaluates, disciplines, and fires all personnel. Utilizes the performance review to define and establish personal performance goals and/or innovative library programs.

Provides information for the development of a new director search plan; provides suggested performance evaluation tools and techniques; and participates as a resource in the director's evaluation as requested by the board.

[Note: the board has one employee—the director.]

TRUSTEES

DIRECTOR

REGIONAL CONSULTANT

CONTINUING EDUCATION		
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Allow time at board meetings to study topics of concern to the library. Attend library-related workshops and conferences.

Attends work-related training and conferences; encourages / requires staff to attend appropriate workshops and conferences.

Promotes attendance of trustees and library staff at appropriate library-related workshops and conferences.

Participate in orientation programs for new trustees and encourage their attendance.

Prepares informational packets for all new board members. Provides an orientation to the library.

Provides orientation for all new board members on responsibilities of trusteeship in general.

Join the Kentucky Library Association (KLA), the Kentucky Public Library Association (KPLA), and the Kentucky Library Trustee Roundtable (KLTR). Participate in conferences to the extent possible.

Joins KLA and KPLA; considers membership in SELA, ALA, etc.; encourages trustees and staff to attend conferences. Alerts trustees of all important meetings and workshops for them to attend.

Promotes active memberships in professional associations. Encourages attendance at conferences; encourages support staff attendance at KPLA.

Budget adequate funds for continued training of staff, management, and board members. Support staff involvement in job related training to the extent of authorizing closing the library if necessary.

Recommends budget allotment for trustee and staff expenses for membership and attendance at library-related meetings. Applies appropriate training information and techniques to library programs and/or services.

Provides trustee and staff workshops within the region; promotes conferences and workshops outside the region.

Be aware of and ensure compliance with certification requirements.

Enforces certification requirements for all applicable staff.

Provides certification information. Validates staff Annual Summations for certification renewal.

TRUSTEES**DIRECTOR****REGIONAL CONSULTANT****PROGRAMS AND SERVICES**

Encourage staff to apply for grant funds for new services/programs. Approve grant applications as provided.

Prepares or approves written grant applications to improve the quality of materials and services to specific segments of the population or needs of the library.

Provides information on competitive grants from KDLA; provides assistance in writing grants for special services.

Monitor the administration of the library for effective use of personnel, quality of programs, and materials.

Organizes and administers the daily operation of the library under the direction and supervision of the library board.

Provides information and training in methods of organizing and administering the daily operation of public libraries.

Explore all possible methods for delivery of library services and programs, including electronic resources. Be innovative!

Keeps the board informed about current trends in service and explores ways of implementing new services.

Recommends programs and services to the director and board.

Promote and support outreach services via book-mobile, delivery vehicle, branches, etc; monitor usage at outlets.

Markets outreach services to appropriate clientele in the service area. Reports usage at outlets to board.

Provides information concerning outreach services to director and board.

Know about all the services of the Kentucky Department for Libraries and Archives (KDLA).

Uses the services and programs offered by KDLA.

Promotes the services of KDLA, including but not limited to: the Talking Book Library, Audio-Visual Services, Children's and Youth Services, etc.

Know about and use the services offered by the local KDLA regional office.

Uses the services and programs offered by the local KDLA regional office.

Continually provides information concerning all regional services.

LOCAL INFORMATION

New trustees will be provided the following information by the local library director and/or local trustees:

- Date and time of meetings
- Length of appointment (date term begins and expires; all members of the board will have the same day and month for expiration, only the year will differ and no more than two should expire in the same year)
- Board member names, addresses, telephone numbers, email addresses, and term expiration dates
- Officers of the board
- Names of director and key staff
- Organizational chart, if applicable
- Brief history of the library
- By-laws
- Board policies
- Library policies (personnel and operations)
- Board packets from preceding six (6) months' meetings
- Latest Annual Report
- Current budget
- Method of funding
- Library brochures, newsletters, calendar of events, etc.
- Hours of operation
- Community Outreach services
- Strategic plan

A tour of the library (and branches if applicable) with introduction to the staff should also be provided.

FUNDING

State Aid

Since 1952 the Commonwealth of Kentucky has provided state aid grant assistance to Kentucky public libraries. Although the funding formula has changed significantly over the years, public libraries continue to receive state aid funding as appropriated by the General Assembly and distributed by the Kentucky Department for Libraries and Archives. The formula is calculated on a base grant plus a per capita amount based on the latest official census data.

Each library's *Annual Report of Public Libraries Application for State Support* is also its application for the next funding cycle of state aid. The deadline for filing this application is August 15th of each year. State aid checks are mailed directly to the library on an annual basis. The funds may be used for:

- Purchase, upgrading, and maintenance of the technology necessary to enable the staff and the public to have access to electronic information
- Library materials and supplies
- Equipment
- Maintenance and operation of bookmobile and extension programs
- Staff training and compensation
- Building maintenance
- Debt service
- Resource-sharing
- Program development
- All other local library needs and services

Libraries are expected to meet these minimum requirements to be eligible for state aid:

1. Library must be legally established
2. Service must be provided countywide
3. Staff requiring certification must be certified
4. Library should be open a minimum number of hours per week based upon population
5. Library must have adequate space for operation
6. Library needs to show evidence of advancement each year through as many as possible of the following:
 - (a) Good rapport with local government
 - (b) Increase in local support
 - (c) Purchase of local library material and needed equipment
 - (d) Increased training for library staff
 - (e) Increased hours of operation (where needed)
 - (f) Better planned bookmobile and/or extension service
 - (g) Improved library building(s) and maintenance
 - (h) Programs for all segments of the public

7. Local income must not be reduced
8. Library boards must meet monthly on a regularly scheduled basis
9. Library must apply for state aid by so indicating on the *Annual Report of Public Libraries Application for State Support*

Discretionary Grants from KDLA

While state aid grants are awarded to every public library as long as the state legislature continues to appropriate the funds, KDLA also offers various competitive and/or discretionary grants. Each grant opportunity is announced well in advance of the respective deadline and libraries are urged to apply.

While many grants require some percentage of local match, others do not. Subject emphasis may vary from time to time as well, while others remain stable. Typical competitive grants include:

- Automation
- Bookmobile or other method of extension service
- Construction Debt Retirement
- Early Childhood Development
- Graduate Library School Tuition Reimbursement
- Library Innovation
- Public Library Programming
- School/Public Library Cooperation

Note: Libraries are urged, with each grant check they receive through the Kentucky Department for Libraries and Archives, to use the opportunity to publicly thank their state legislators. Many schedule formal check presentations with local media present.

Local District Tax

Public libraries established as taxing districts, (KRS 173.470, KRS 173.710, KRS 65.182, or KRS 67.715), receive the majority of their funding from the taxes collected for them by the sheriff. Each library board annually sets its tax rate according to the provisions of House Bill 44. (This is a minor adjustment based on providing a ceiling for tax income growth over the previous year.) Official forms and information on the rates available to the board are sent each year by KDLA. Once the legal requirements for setting the chosen rate have been met (the local Regional Consultant can help with these) and the form filed with the appropriate office, the tax is authorized for collection. Most taxing districts receive the majority of their anticipated annual income in one or two large checks; smaller amounts are collected throughout the year. Funds are usually invested according to the individual library board's investment policy.

Taxing districts may increase their tax rate significantly by the same method by which they were established. (Example: a district established by ballot would increase by ballot; those by petition would increase by petition.) The statutes governing this activity are very precise, and the board may wish to ask the local Regional Consultant for technical assistance in undertaking such a project.

Local General Appropriation

Public libraries established as a unit of local government (KRS 173.310) receive the majority of their funding from that government's general appropriation in twelve monthly installments.

Federal Grants

Support for statewide services to all Kentucky public libraries, and startup funding for innovative projects is provided through the Library Services and Technology Act (LSTA). The federal program has two broad purposes: to encourage library technology and networking among all types of libraries; and to provide assistance to those having difficulty in using libraries.

These federal funds are administered by the Kentucky Department for Libraries and Archives. Cooperation among libraries is a major theme of the subgrant program supported by LSTA funds. Several of the competitive discretionary grants listed above are funded through the LSTA subgrant program.

Fundraising

The library board may find that state support and local funding are not sufficient to fund all services and programs of the library. The board should examine other fundraising options, such as special fundraising events, direct grants, or soliciting donations. Before starting a major fundraising campaign or establishing an endowment fund or foundation, the library board should consult its attorney to avoid violation of any state or federal laws on soliciting charitable donations.

Many libraries, rather than be directly involved in fundraising events, work with a local Friends of the Library group or library foundation. Such groups, usually with 501 (c) (3) status, maintain their own treasury and use their proceeds to fund specific projects at the library.

BOARD COMMITTEES

The board may establish or abolish standing committees as necessary.

The many and complex issues with which the library board will be working cannot always be handled efficiently by the full board. Many of those issues may be handed to board committees for study and recommendation to the full board. Such committees may include members that are selected from outside the board so that additional expertise can be utilized. Involving non-board members also builds ownership for the library's mission and opens a new avenue of communication with the community.

Whatever the name or type of committee, the only purpose it serves is to expedite the work of the board. Committees are not autonomous groups with loose connections to the board, but are simply extensions of the board and always responsible to the full board.

Committees have no power or authority beyond what is granted to them by the full board. The only action committees can traditionally take is to study an issue and make recommendations to the full board about the assigned issues.

Each library will have different needs for committees and those needed will vary over time. Some typical committees are:

- Technology Committee
- Budget Committee
- Building Committee (can be construction or maintenance)
- Personnel Committee
- Planning Committee
- Policy Committee
- Public Relations Committee

THE TRUSTEE AND INTELLECTUAL FREEDOM

Intellectual freedom is a major concern of libraries. Individuals or groups may attempt to censor library materials that they feel are objectionable. The library board, as the trustees of the library, has the responsibility of championing the cause of intellectual freedom, including fighting all censorship efforts. This can be a difficult and uncomfortable responsibility to carry out, but it is necessary for the proper functioning of libraries.

The selection of library materials is an essential process, which is strongly related to intellectual freedom. The board must adopt a written materials selection policy for the library, which reflects the library's mission and goals. It should also clearly support the right of all members of the community to have access to a wide range of materials, including items which some people might find to be objectionable.

In some cases, persons objecting to library materials may attempt to persuade the library to remove those items. To deal with these attempts, the library board should adopt a policy and procedure for hearing complaints. KDLA, through its regional office, can provide direction for both the policy writing and the development of a complaint form.

Some protests about library materials result in persons appearing at regular board meetings to present their points of view. The Kentucky Open Meetings Act requires boards to give any members of the public the right to attend the board meetings. This is not an unlimited right, however, and a board may adopt reasonable rules to limit the length of presentations. Such rules avoid catering to long-winded orations, while still respecting free speech and democratic participation of the citizenry.

Handling a censorship attempt can be an uncomfortable experience and the board must be prepared. Trustees should have a good knowledge of the laws regarding intellectual freedom. They should also know about the *Library Bill of Rights*, the *ALA Freedom to Read Statement*, and other ALA Intellectual Freedom statements. Board members should be emotionally prepared to withstand the potential heat generated by questions from censors. They should know how to defuse unnecessary conflicts and how to deal with conflicts which cannot be avoided. They need to possess the courage to defend the right to read, even when many angry citizens despise the values reflected by the material under attack—even when they themselves despise those values.

Censorship attempts are on the rise in libraries, and Kentucky is no exception. There have been attempts by individuals and organizations to have library materials removed. Boards must be prepared to assume "trustee" responsibility, including the duty to protect and advance intellectual freedom.

THE TRUSTEE AND SPECIAL PROJECTS

Periodically the library board will have to make “big ticket” decisions to keep the library up to date—especially in technology and facilities—and possibly face the task of hiring a new library director.

Technology:

Library automation projects are important for upgrading the efficiency of library services, but they are only the beginning. A viable library will need to keep current with the rapid changes in technology as well as continually upgrading equipment for both the public and the staff. Technology, whether basic or enhanced, is a complex area and often requires hiring a consultant or creating an Information Technology staff position. Technology is more than just OPACs and Internet access: it also involves e-books on iPods and MP3 players, video conferencing, continually updating the library’s webpage, RFID, RSS or XML, VoIP, and a plethora of equipment we have not even dreamed of yet.

Not all technology-related issues facing the library are computer-based. Simply providing the bookmobile with a cellular phone is an example of low-tech equipment that can significantly increase the safety and efficiency of library outreach personnel.

While KDLA cannot recommend brand names, it does offer assistance in determining the specifications needed by the library. An Automation/Technology Consultant is available full-time to answer questions from libraries.

Hiring a Library Director:

Selecting the library director is arguably the single most important task any library board will undertake. The director they choose will set the course for the library’s current and future place in the community and be the key element in public goodwill, which will in turn, translate to the funding necessary for the library to grow and prosper.

The actual procedure can be daunting, as there are many legal issues to consider during the hiring process. The scope of such an undertaking is too great to cover in a manual designed for general trustee orientation and instruction, but KDLA has Regional Consultants upon which any board may call for detailed, step-by-step administrative assistance from advertising the opening through conducting a lawful, nondiscriminatory interview through orientation for newly appointed directors.

Ideally the board will have enough advance notice of an impending job opening to allow adequate time to enlist whatever assistance is needed to help ensure a good selection is made. Regardless, this is not a process through which a board should rush.

Construction:

The construction or remodeling of the library building is one of the most exciting and ambitious projects that a library can undertake. Careful planning is essential to a successful building program.

The library's initial step is the formation of a building team which can draw in a variety of individuals when their expertise is needed. The basic building team usually consists of the library director and key staff, selected board members, appropriate government officials, the architect, and later, the building contractor. If the library has been awarded a KDLA construction debt retirement grant, both the local Regional Consultant and the KDLA Construction Consultant must be included on the team. Even if the library is working without any KDLA funds involved in the project, a library is encouraged to ask for advice from KDLA's experienced staff.

The library's building team prepares a carefully written building plan that will become the architect's guidebook to creating the uses and functions that are desired by the individual library. This building plan is a description of the library's:

- mission, goals, and objectives
- service area and population
- service statistics
- existing and projected services and collections
- projected need for space, equipment, and furnishing
- function and area relationships
- technical requirements
- other local needs or requirements

Hiring the right architectural firm is the most critical step in a successful building program. While experience with library design is very important, rapport and the ability to communicate between the architect and the library's building team are also highly desirable. The architect should be free to create an individual design but should also receive a great deal of input from the team regarding the library's specific needs.

Financing a new or expanded facility is always a major concern. Some options for funding include securing a loan, floating a bond, or community fundraising. Many libraries will face the need to increase the district tax in order to retire the debt. Setting aside part of the library's operational fund each year as a "capital improvement" or "building fund" line item may be a prudent step to take early in the planning to plan stage. KDLA offers construction debt retirement grants, covering a period up to 20 years, as funds are available.

It is not possible to over-prepare for a building project. Building projects can be frustrating and time-consuming, but they allow the library staff and board to take on the exciting challenge of planning for the community's future library service. The rewards, like the challenges, are great.

REMOVAL OF TRUSTEES

Individual trustees may sever their relationship with the board on which they serve simply by resigning. For taxing district libraries, a letter of resignation should be sent to the President of the Library Board or, if that is not feasible, the Vice-President. For libraries established as a unit of local government, the letter of resignation is sent to the County Judge-Executive (county government) or the Mayor (city government). Regardless of establishment the trustee does not resign to the Library Director, their employee, but to the board or appointing authority.

A three-month notice of intent to leave the board should be given if at all possible. This allows a replacement to be appointed and all seats on the board filled without interruption.

There may be circumstances whereby a board may wish to have a member of the board removed against that member's will. The methodology depends on the statute under which the library district was established.

Units of Local Government:

KRS 173.340 (4) determines a trustee may be removed only by vote of the legislative body of the respective governmental unit from which s/he was appointed—Fiscal Courts for counties; City Councils for cities.

Taxing Districts by Ballot or Petition:

Trustees may be removed from the Library Board under the provisions of KRS 65.007, which provides for removal by the appointing authority after a hearing with notice for inefficiency, neglect of duty, malfeasance or conflict of interest. The hearing is initiated and chaired by the appointing authority, who shall prepare a written statement of the reasons for removal. The trustee to be removed must be notified, with reasons given, by registered mail at least ten (10) days prior to the hearing. The trustee to be removed may employ counsel to represent him/her. A record of the hearing shall be made by the appointing authority.

When the appointing authority is the county judge/executive, the removal shall be subject to approval of the fiscal court.

A trustee so removed may appeal, within ten (10) days of the decision, to the Circuit Court of the county of the appointing authority. The scope of the appeal shall be limited to whether the appointing authority or the fiscal court abused their discretion in removing the trustee.

RECURRING DEADLINES

January 31	Certification Annual Summation of Learning Activities for previous calendar year due to KDLA Regional Office
February 1-28	OSHA 200 Form must be posted the entire month
May 1	UFIR due to Governor’s Office for Local Development
June 1	Budget for upcoming fiscal year due to County Court Clerk
August 15	Annual Report for fiscal year ending June 30 due to KDLA Regional Office
August 29	District Descriptive Information printed in local newspaper of record (in accordance with KRS 424.220) -- name and address of the library; names and home addresses of board members, name and business address of library director, and either a statement of availability of financial records at the library – or – a summary of the budget categories
45 days later from certification	Taxing Districts only: Each year your county’s PVA submits property valuations to the Revenue Cabinet where they are eventually accepted. Once these figures have been certified, there is a 45-day deadline in which to have tax rates set and the notarized rate information filed with the County Clerk’s office. Each library will receive information regarding their tax rate choices from KDLA as soon as the assessment figures are received by KDLA from Revenue and computed. A copy of the tax rate certification must be submitted to KDLA after it is filed with the Clerk’s office.
October 1	Taxing Districts only: Tax rate for Motor Vehicles and Watercraft due to Office of Property Valuation in Frankfort [Note: this rate cannot be changed, therefore, it does not require a vote of the board before submission.]
Within 60 days of appointment	Newly appointed trustees are required (KRS 15.257) to be given copies of <i>Your Duty Under the Law</i> and <i>Managing Public Records</i> within 60 days of appointment and sign a Receipt of Signature form. This form may be found at http://ag.ky.gov/civil/alert.htm and is filed with the County Judge-Executive’s office.

ACRONYM / GLOSSARY

- ALA** **American Library Association**
The oldest and largest national library association in the world. Its concern spans all types of libraries: state, public, school and academic libraries; special libraries serving government, commerce and industry, the arts, the armed services, hospitals, prisons, and other institutions. More information may be found at www.ala.org.
- ALTA** **Association for Library Trustees and Advocates**
A division of ALA which supports, encourages, and provides information for trustees and advocates of libraries. For more information go to: www.ala.org/ala/alta/alta.htm.
- CE** **Continuing Education**
Continued training is necessary for library staff to increase their skills and knowledge and keep abreast of development in the information age. This, in turn, upgrades the library profession, enriches the individual librarian, and promotes quality library service.
- Certification**
A method of assuring qualified staff in public libraries. KRS 171.240 states that KDLA shall have a state board for certification of librarians. No library coming under the provisions of KRS 171.230 to 173.300 shall have in its employ, in the position of librarian, or in any other full time professional library position, a person who does not hold a certificate of librarianship issued by the board. A certification manual is available from the Board for the Certification of Librarians or at www.kdla.ky.gov/libsupport/certification/manual.pdf.
- Data Conversion**
The process of turning non-machine readable library records [catalogue cards, patron files, etc.] into a machine-readable format.
- e-Book** **electronic book**
A book published and available in electronic form; maybe downloaded to a computer or a portable device.
- e-Rate**
A federal program that reimburses libraries for certain telecommunication costs.

FOLUSA Friends of Libraries USA

Friends of Libraries USA's mission is to motivate and support state and local library support groups across the country in their efforts to preserve and strengthen libraries, and to create awareness and appreciation of library services. For more information go to: www.folusa.com

Friends of Libraries

Local Friends chapters exist nationwide to assist libraries in fulfilling their mandates by fundraising, promotion, and support.

GLI Gates Library Initiative

The Gates Library Initiative was founded in June 1997 by Microsoft CEO Bill Gates and Melinda French Gates to partner with public libraries in bringing access to computers and digital information to patrons in low-income communities in the United States and Canada. More information is at <http://www.gatesfoundation.org/Libraries/USLibraryProgram/>.

ILL Inter-library Loan

A service that allows you to borrow materials from other libraries through your own library.

KAR Kentucky Administrative Regulations

Regulations created by the Executive Branch of the Commonwealth of Kentucky.

KDLA Kentucky Department for Libraries and Archives

A state government agency providing leadership and support for the development and maintenance of a system of library services throughout the state. For more information go to www.kdla.ky.gov.

KLA Kentucky Library Association

A membership organization of persons interested in promoting and improving all types of library service in the Commonwealth of Kentucky. For more information go to www.kylibasn.org.

KLTR Kentucky Library Trustee Roundtable

A part of the Kentucky Library Association and the Kentucky Public Library Association dedicated to trustees and their issues.

KPLA Kentucky Public Library Association

A section of the Kentucky Library Association to which public librarians and trustees usually belong.

- KRS** **Kentucky Revised Statutes**
The laws of the Commonwealth of Kentucky.
- KTBL** **Kentucky Talking Book Library**
A collection of tapes and some Braille books for the seeing impaired or physically unable to hold a book, with professional reader's advisory service, provided free of charge.
- KYVL** **Kentucky Virtual Library**
An electronic, "virtual" library that uses the Internet to provide equitable access to quality databases and connections to information resources worldwide, and provides qualified well-trained staff to support the Kentucky Virtual University.
- KYVU** **Kentucky Virtual University**
The Kentucky Virtual University, created with passage of the Kentucky Postsecondary Education Improvement Act of 1997, will be a student-centered, technology-based system for coordinating the delivery of postsecondary education to meet the needs of citizens and employers across the Commonwealth.
- LSTA** **Library Services and Technology Act**
Funds appropriated by Congress to complement state library funding.
- MARC** **Machine Readable Cataloging**
Format in which the library's cataloging records must be in order to convert them to electronic access, thereby automating the circulation and the card catalogue.
- MLS** **Masters Degree in Library Science**
A graduate degree for professional librarians.
- NLW** **National Library Week**
A national observance sponsored by ALA and libraries across the country each April to celebrate the contributions of our nation's libraries and librarians and to promote library use and support.
- OCLC** **Online Computer Library Center**
An international database of cataloging records of library holdings.

OPAC **Online Public Access Catalogue**
The electronic version of the card catalogue.

Public Library
Under Kentucky Revised Statutes, a public library means a free public library supported in whole or in part with money derived from taxation, and governed by a board. The Federal-State Cooperative System (FSCS) definition states that a public library is an entity that is established under state enabling laws to serve a community, district, or region and that provides at least the following: an organized collection of printed or other library materials or a combination thereof; paid staff; an established schedule in which services of the staff are available to the public; the facilities necessary to support the collection, staff, and schedule; and is supported in the whole or in part with public funds.

Standards
Criteria developed by KDLA and KPLA suggesting certain minimums deemed essential for proper operation of libraries.

State Aid
It is the intent of the General Assembly to establish a method of providing direct state aid to local public libraries in order to assure their continued existence and to enhance their services for the benefit of the citizens of the Commonwealth (KRS 171.2001). This is in the form of cash grants, as appropriated by the legislature.

Strategic Planning
Strategic planning is a disciplined effort to produce fundamental decisions and actions that shape and guide what a library is, what it does, and why it does it, with a focus on the future.

SRP **Summer Reading Program**
Centered around a theme, with manuals and promotional materials, each library designs its own program to enhance reading skills among school age children during their summer break.

UFIR **Uniform Financial Information Report**
This report of financial information is required of all taxing districts annually. It is submitted to the Governor's Office for Local Development by May 1st.

APPENDIX

Sample Letter Requesting Trustee Appointment

Sample Agenda

Sample Minutes

Checklist of Policies

Library Letterhead

Date

Mr Wayne Onkst
State Librarian and Commissioner
300 Coffee Tree Road
P O Box 537
Frankfort KY 40302-0537

Dear Commission Onkst:

Since the terms of _____ and _____ of the _____ County Public Library are due to expire June 30, 20__, we hereby submit the following names for your approval:

Choice Number One
Street/Box Address
City, KY zip

or

Choice Number Two
Street/Box Address
City, KY zip

Choice Number One
Street/Box Address
City, KY zip

or

Choice Number Two
Street/Box Address
City, KY zip

Please send us a copy of your official approval for our files.

Sincerely yours,

Name of letter writer

Position of letter writer (ideally should be Board Secretary, but may be delegated)

SAMPLE AGENDA

XYZ Public Library
Regular Monthly Meeting Agenda
January 12, 2006
7:00 PM
My Town, Kentucky

- | | |
|---|--|
| Call to order | <i>by President of the board or presiding officer</i> |
| Public comment | <i>allows visitors to make comments to the board</i> |
| Approval of minutes | <i>requires a motion, second, and vote;
mailed prior to meeting</i> |
| Financial report and approval
of disbursements | <i>requires a motion, second, and vote;
may be given by bookkeeper or treasurer;
mailed prior to meeting</i> |
| Business: | <i>items for board consideration; note order</i> |
| Nomination for trustee vacancy | <i>item of relative simplicity</i> |
| Review of Strategic Plan progress | <i>complex item; detailed discussion likely</i> |
| Internet Policy revision | <i>controversial item; debate likely</i> |
| Construction Grant | <i>item of relative simplicity</i> |
| Reports: [most reports may be mailed in meeting packet prior to meeting date] | |
| Regional Consultant | <i>by Regional Consultant</i> |
| Library Director | <i>by Library Director</i> |
| Key Staff | <i>by key staff member(s)</i> |
| Friends of the Library | <i>by Friends President</i> |
| Board Committee(s) | <i>by committee chairs</i> |
| Next meeting date: _____ | <i>gives date and time of next meeting</i> |
| Adjourn | <i>requires a motion, second, and vote</i> |
| Note: light refreshments will be served | <i>optional; varies by library</i> |

[Note: In the actual agenda provided for the meeting, the items of business should have brief descriptors and/or background information to facilitate their discussion. The order reflects a “warm up” item, followed by the ones likely to require the most discussion, and ending a “cool down” item. This allows discussion of the important items while everyone is highly engaged and before anyone who must leave early has left the meeting.]

SAMPLE MINUTES

XYZ Public Library Board
Minutes of the Regular Board Meeting
January 12, 2007
7:00 PM
XYZ Public Library, My Town

The meeting was called to order at 7:02 by Bonnie Gilbert, President. Attending were: Bonnie Gilbert, President; Park Peters, Vice President; Lora Oliver, Secretary; Marc Lawrence, Treasurer; Marian Booker, Library Director; and Roberta Sparr, Regional Consultant. Absent was Abbe Stashower.

Public Comment:

Fred Howser, representing the local historical society, requested permission to display World War II mementos that include several Nazi items.

Secretary's Report:

Moved by Lawrence that minutes of the December 8, 2006 meeting be approved as mailed. Seconded by Peters. Motion passed unanimously.

Treasurer's Report:

Moved by Oliver that the monthly report of expenditures be approved. Seconded by Peters. Passed unanimously.

Business brought before the board:

▪ **Nomination for trustee vacancy.**

Abbe Stashower's second term on the board will expire April 30. Each board member will bring at least one name for discussion next month. This appointment needs to come from the north end of the county, if possible, and someone with marketing skills is desired.

▪ **Review of Strategic Plan progress:**

The strategic plan called for a homework help center to be operational by the end of the calendar year. Director Booker reported that the cost of *Tutor.com*, the foundation of the proposed center, had more than doubled since quotes were received last year. The budget was not sufficient to cover this cost. Oliver asked if donations had been sought to cover the additional cost. None had due to recent requests for Summer Reading Program funding. Sparr suggested the library apply for a KDLA grant to obtain funding for this project, but reminded everyone that these are highly competitive. Peters suggested the board approach the school system and the fiscal court to see if funds might be obtained from their budgets. Gilbert will meet with Director Booker to draft a letter requesting assistance in funding the project.

Progress on the development of a parenting collection housed near the children's area is ahead of schedule and should be operational by the end of February.

▪ **Internet Policy revision:**

Director Booker distributed copies of the library's current Internet Policy. After much discussion on the library's Internet Usage policy, action was tabled until next month. Gilbert requested Booker include a draft revision reflecting the discussion in the next meeting packet. She also asked Regional Consultant Sparr to research what other public libraries of comparably size, especially in state, have encountered and how they have addressed it. This information is to be emailed to all trustees and the director in advance of the next meeting so they may study it.

▪ **Construction Grant:**

Application forms for a state construction grant have been requested from KDLA.

▪ **Other items of business:**

Gilbert reported she had been contacted by the My Town Garden Club. They wish to landscape the courtyard, at their expense, with plants native to Kentucky. Director Booker raised the issue of any plants being poisonous since story hour children often play there and might ingest plant material. Moved by Peters to accept the offer with the stipulation that nothing harmful be included. Seconded by Oliver. Voting for the motion: Peters, Oliver, Gilbert. Voting against the motion: Lawrence. Motion carried by majority vote.

The request by the Our County Historical Society to set up a WWII memorabilia exhibit was discussed. As the exhibit meets the qualifications for eligibility in the library's display/exhibit policy, permission was granted without a vote.

Regional Consultant's Report:

The annual Trustees' Workshop and Dinner has been scheduled for April 6th at the Anytown Community College. The topic will be *Legal Liabilities for Trustees*. Details will follow; all trustees are urged to attend.

Friends of the Library Report:

There was no report.

Director's Report:

Director Booker distributed a written report of activities and contacts [copy on file].

The upcoming Local Officials' Breakfast is scheduled at the library for February 10th. Staff will provide a potluck breakfast; trustees are requested to participate.

Committee Reports:

There were no committee reports.

Adjournment:

There being no further business, a motion was made at 8:35 PM by Park Peters to adjourn. Seconded by Marc Lawrence. Passed unanimously.

Next Meeting: February 9, 2007; 7:00 PM; My Town Public Library

President

Secretary

CHECKLIST OF POLICIES

Library boards need to adopt policies that speak to the operation of the board itself, personnel policies for library staff, and operational policies that govern the operation of the library. The local Regional Consultant can assist in a number of ways—from finding similar policies among other libraries to actually helping formulate a given policy. The following is a recommended list of policies that every board should have:

Board Policies

- Board organization
- Director responsibilities and functions
- Board meetings
- Library finance
- Employment policies
- Board officers
- Committees of the board
- Library facilities

Personnel Policies

Employment Practices:

- Employment procedure
- Educational qualification
- Equal opportunity
- Americans With Disabilities
- Volunteers
- Evaluation of staff
- Grievance procedures
- Termination of employment
 - Resignation
 - Dismissal
 - Retirement
 - References

Compensation:

- Work week
- Salary / wage payment / payroll deductions
- Time cards
- Conflict of interest
- Employment of relatives
- Promotions and raises
- Meal periods and breaks
- Absenteeism and tardiness
- Overtime

Benefits:

- Insurance
- Retirement
- Holidays
- Vacation leave
- Sick or personal leave
- Bereavement leave
- Citizenship leave: voting, jury duty, subpoena, military leave
- Leave without pay (including FMLA if required or desired)

Employee Expenses:

- Expense reimbursement (including travel)
- Continuing Education: classes and workshops
- Conferences and meetings
- Professional memberships

Workplace conduct and safety:

- Drug Free Workplace (substance abuse)
- Smoking
- Sexual harassment
- Internet/email use
- Workplace violence
- Extreme weather / emergency conditions / emergency notification

Operational Policies

- Use of building and/or equipment
 - Meeting room
 - Exhibits / displays
 - Public access computers / Internet
- Collection development (including Materials Selection)
- Gifts, donations, and memorials
- Circulation
- User behavior
- Concealed weapons
- Complaints
- Unattended children
- Accident, disturbance, vandalism
- Confidentiality of patron records
- Purchasing, selling, and retention
 - Procurement
 - Disposal of surplus property
 - Sales / solicitations in the library (local author, Hospice, etc.)
- Cooperation with other libraries

OATH OF OFFICE

I, _____, do hereby solemnly swear that I will support the Constitution of the Commonwealth of Kentucky, and to the best of my ability I will perform the duties and accept the responsibilities of Trustee of the _____ Public Library and that I will observe all the laws relating to said office of Trustee now in force or which may hereafter be enacted during my term of service.

Signed _____
Trustee

Subscribed to and sworn to before me this _____ day of _____, 20____

Signed _____
President

Signed _____
Judge or Certifying Officer

NOTES



Kentucky Department for Libraries and Archives
An agency of the Education Cabinet



"Serving Kentucky's Need to Know"