Public Library Boards – The Essentials

Congratulations on your appointment to the library board! This document serves as a supplement from the Northeast Kansas Library System (NEKLS) to orientation materials provided by your library. These are the “essential” topics NEKLS believes you need to be aware of in your new role. This supplement contains some attachments to further address topics and we encourage you to review the “Additional Resources” for more information. As always, please feel free to contact NEKLS with any questions or concerns.

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**I. Northeast Kansas Library System (NEKLS)**

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Learn more about NEKLS at <http://nekls.org>

Located in Lawrence, Kansas, the Northeast Kansas Library System (NEKLS) is one of seven Kansas Regional Systems of Cooperating Libraries. NEKLS is dedicated to providing universal access to exceptional library service through its 118 member libraries (11 academic; 48 public; 51 schools/districts; 7 special) in the 14 counties of Northeast Kansas through the cooperation and peer support of NEKLS member libraries, and the assistance of the NEKLS staff of library consultants.

NEKLS has 10 staff members and is governed by an executive board that includes members voted on by System member library representatives and members appointed by the governor of Kansas.

Primary activities include:

* Library consulting, continuing education, and professional development services.
* Technology training and support.
* Manage NEXT, a consortium of the integrated library system.
* Coordinate the statewide courier system.

**II. Statutory Power and Duties of the Library Board**

Article 12 of the Kansas Statutes Annotated contains the legal framework under which public libraries operate in Kansas. Visit the following link and click **Article 12. - LIBRARIES** to learn more:

<http://kslegislature.org/li/b2019_20/statute/012_000_0000_chapter/>

Nuances exist between city, county and township libraries, and library district boards, which are spelled out in Statute. K.S.A 12-1225 prescribes the role of library boards, including:

* Set policy;
* Purchase/lease land and buildings;
* Budget authority for library operation;
* Employ a librarian (director);
* Filing annual reports; and
* Accept and administer gifts/donations and be a good steward of monies received from sources other than tax levy.

**III. Board / Director Roles**

Like a business, the library board hires someone (the library director) and then empowers/trusts them to do the job for which they were hired. It is important to spell out expectations and then give the director sufficient support without “micro-managing.”

The attached board / director roles table provides a good visual delineation of responsibilities.

**IV. Accreditation**

The Library Development Accreditation Program is intended to encourage and recognize attainment of the standards for public library service in NEKLS. Accreditation occurs in three-year cycles and currently runs from 2018-2020. All public libraries are encouraged to participate in the accreditation program.

***Why it is important?*** Aside from demonstrating that the library has achieved a minimum set of standards for service to the community, the accreditation program is also a *requirement* for those eligible libraries applying for a Library Development Grant. For many NEKLS public libraries, this grant represents a significant amount $$ of support.

The library board must meet to review the accreditation application prior to submission. Applications are detailed and several elements include roles for library board members.

**V. Board Meetings**

**Regular attendance** at board meetings ensures a quorum and helps to keep the library moving forward with goals and objectives. Lacking a quorum for even one meeting means that 2 months have passed since the board last formally met.

What constitutes a **quorum**? You need a majority of board members to reach a quorum to hold an actual meeting.

* **District libraries** shall have 7 elected board members. (K.S.A. 12-1238) A quorum requires 4 board members.
* **Township libraries** shall have 5appointed board members. (K.S.A. 12-1222) A quorum requires 3 board members.
* **City libraries** shall have 7 appointed board members. In addition to the appointed members of the board, the official head of the municipality shall be ***ex officio*** a member of the library board with the same powers as appointed members, but no person holding any office in the municipality shall be appointed a member while holding such office (K.S.A. 12-1222). As such, a city library has 8 members with voting privileges; a quorum requires 5 members. For further information on the role of a mayor as a library board member, see *Kansas Attorney General opinion NO. 2013-19.*

**Consent agendas**

The consent agenda is a tool used to streamline meeting procedures by collecting routine, non-controversial items into a group whereby all are passed with a single motion and vote. All matters on the consent agenda are considered within one motion and enacted by one motion. There is no separate discussion on those items. If discussion is desired, that item is removed from the consent agenda and considered separately. (NEKLS can provide sample consent agendas.)

**Conflicts of Interest**

Conflicts of interest can arise, particularly where financial resources are involved. NEKLS recommends that board members complete a formal *Statement of Substantial Interest* at the time they join the board. This document merely discloses where the board member and/or immediate family holds a substantial interest in one or more businesses. Transparency is essential in the event the business bids to provide a service to the library, for example.

**VI. KOMA** [**http://ag.ks.gov/open-government/koma-faq**](http://ag.ks.gov/open-government/koma-faq)

Public library board meetings are subject to the provisions of the **Kansas Open Meetings Act (KOMA)**, which was adopted in 1972. There are two main requirements: **(a)** library board meetings must be open to the public and **(b)** notice of meetings must be (individually) provided to those requesting notice. All meetings subject to the KOMA must be conducted openly - that means that the public must be allowed to listen to the discussion. ***K.S.A. 75-4317 through 75-4320a shall be known and may be cited as the open meetings act.***

**Definition of a Meeting**

A meeting of a public body subject to the KOMA has three elements; (a) An interactive discussion (NOTE: discussion alone triggers the KOMA, it is not necessary that action or votes be taken); (b) by and between at least a majority of the body; (c) on matters relating to the functions of that body. All three elements must be present to trigger the KOMA. As noted about, “majority” is required for a quorum.

**Provision of Meeting Notice**

* Notice of meetings must be provided to those requesting notice. There is no KOMA duty to provide notice unless it has been requested.
* The KOMA does not require that requests for notice be in writing.   Oral requests are valid.
* The KOMA only requires that public bodies provide the time, place and date when it holds meetings. It does not require that a public body decide, ahead of time, if a specific topic will be discussed and then provide interested persons with notice of that decision.
* Notice requests may be allowed to expire once a year, but prior to discontinuing providing notice, the public body must let those persons know that their request is expiring so that it can be renewed if they'd like to continue getting notice.

**Serial Communications**

* Be wary of interactive communications outside of a noticed meeting – it may be considered a meeting under KOMA if it collectively involves a majority of the membership of the board; shares a common topic of discussion; and intended for participants to reach an agreement on a matter that requires binding action to be taken by the board.
* Tip . . . . If communicating via email with each other, place a notice at the beginning of the email, “DO NOT REPLY ALL; DO NOT FORWARD”

**Executive Sessions**

* The body may go into an executive session (after convening an open meeting), in order to privately discuss a matter, if (a) the discussion is on a topic listed in K.S.A. 75-4319 and (b) the correct procedure is followed for going into executive session.
* Only members of the public body holding the discussion have a right to be in executive sessions. The public body may discretionarily include anyone they believe will aid them in that discussion.
* All binding action must be publicly taken. Executive sessions may only be used to discuss matters. However, a public body can reach a consensus while in executive session.
* To enter Executive Session, (1) the public body must be in an open session, before going into an executive session; (2) a motion must be made, and seconded; and (3) the motion must contain statement of justification for closure; subject(s) to be discussed; and the time and place open meeting will resume.

***Example:****"Madam Chairman, I move we recess into executive session to discuss disciplinary action against an employee in order to protect the privacy of the parties involved.  We will reconvene the open meeting in the conference room at 8:30 p.m."*

* Those topics listed in K.S.A. 75-4319(b) can be privately discussed by a public body subject to the KOMA.  A copy of that statute is available on-line at [www.kslegislature.org](http://www.kslegislature.org/)  There are currently 14 topics listed.  These include: Personnel matters relating to non-elected personnel; consultation with an attorney for the body or agency which would be deemed privileged in the attorney-client relationship; matters relating to employer-employee negotiations . . . ; and matters relating to security measures, if the discussion of such matters at an open meeting would jeopardize such security measures, that protect specific systems, facilities, or equipment.
* All motions to enter executive session and open session must be recorded in minutes.

**VII. KORA** [**http://www.ag.ks.gov/open-government/kora-faq**](http://www.ag.ks.gov/open-government/kora-faq)

Public libraries and their boards are subject to the provisions of the **Kansas Open Records Act (KORA)**, which was enacted in 1957 with a revision in 1984. ***K.S.A. 45-215 through 45-223 shall be known and may be cited as the open records act.***

**KORA requirements**

* Libraries must appoint a Freedom of Information (FOI) Officer to receive and assist with KORA requests. This may be a board member or the library director, for example.
* Display, distribute or otherwise make available a brochure describing requester rights, the library’s responsibilities and procedures for inspecting or obtaining copies of public records – essentially a policy.
* Include the name/title of records custodian, fees and office hours available for anyone to make a request.

**Who may make a request?**

* Any person may make a request; the person does not need to be a resident; and the person does not need to provide a reason for their request.
* Form of a request. The library may require:
	+ The request to be in writing.
	+ Only the requester’s name and address.
	+ Proof of identification.
	+ Written certification that the requester will not use names and addresses obtained from records to solicit sales or services.

**Requesters have rights**

* Unless closed by law, the public has the right to review all public records.
* The library is not required to make copies of certain records – such as video tapes, films, photos, slides or similar audio/video items – if not shown/played in a public meeting.
* If copies cannot be made in the library, arrangements must be made to allow copying.
* If portions of a record are closed, the remainder must be made available to the requester.

**Responding to a request**

* The request must be “acted upon” as soon as possible, but no later than the end of the 3rd business day following the date the request is received.
* The three acceptable responses:

1. The record is provided – in the format requested, if possible.

2. The request is under review and the records, if permitted, will follow.

3. The request is denied, with a detailed explanation for the denial.

* Allowable fees and charges
	+ The library may only recover actual costs to provide the requested records.
	+ These costs may include staff time to retrieve, review and redact information from a record.
	+ Fees may be estimated and collected before the records are provided.

**Definition of a “public record”**

* Any recorded information, regardless of form or characteristics, which is made, maintained or kept by or is in the possession of any public agency.
* Includes written records, photographs, computer data, and email.
* Records NOT included would include personnel records; records concerning emergency or security information or procedures;
* Records NOT included in KORA cover many areas not directly related to libraries. In terms of libraries, examples of records not subject to KORA include:
	+ Personnel records.
	+ Attorney work product.
	+ Appraisals/engineering/feasibility estimates/evaluations by or for a public agency relating to acquisition or disposal of property, prior to the award of formal contracts.
	+ Specifications for competitive bidding, until officially approved by the public agency.
	+ Sealed bids and related documents until a bid is accepted or all bids are rejected.
	+ **Patron records**. Patron records are considered \*\*confidential\*\* and therefore not subject to KORA. *If you are a NExpress member library . . . . In the event law enforcement presents a subpoena for access to patron records, you must refer them to NEKLS. NEKLS is the administrator of the NExpress system and the only entity authorized to provide this information.*

**VIII. Finances**

The library board has the power and duty to prepare the annual budget for the support and maintenance of the library, and to present this budget to the municipal government. *District libraries* are their own taxing authorities and present their budgets to the county clerks.

The library’s strategic plan and evaluation data (outputs and outcomes) will help to inform your decision-making as you formulate the budget. If the community is properly involved in the planning process, the library and its plan will be supported throughout the community. However, the library’s budget must be realistic. Library service is only one of the many services provided by the municipal government. If the budget necessary to support the public library plan requires a substantial increase in funding, the board should investigate other funding sources. State grants and federal funds should be considered *supplemental to the local budget* and never are they a means of reducing local appropriations.

Too often, the library accepts an insufficient appropriation and attempts to develop library service on that basis. A board, which plans only in terms of last year’s budget, will never progress.

**Checks and Balances**

* **Signatures on library checks** – K.S.A. 12-1226 says the treasurer writes checks and the president and secretary sign them. The secretary’s signature verifies the legitimacy of the president’s signature.

**Budget Process**

Every public library should have a budget process that involves more than the casual updating of last year's budget. These are the basic steps in the program budget process:

* Review the community's needs, demographic trends and economic conditions.
* Review the library's goals and objectives.
* Develop a timeline with assigned responsibilities and realistic dates for completion of key tasks.
* Evaluate programs and services to determine needed changes and the prior year's actual costs. Determine if any of the library's activities are complete or need to be eliminated. Make sure all key staff members have input into the creation of the budget program.
* Identify revenues and expenditures. Review by line item, justifying changes with workloads, circulation figures, prior demands, or other data.
* Develop and evaluate initial budget.
* Develop final budget.
* Develop budget presentation for local funding authorities. Be fully prepared to explain, justify,

and negotiate the needed financial support. The library must be presented as a basic community service and information utility.

* Present budget and obtain budget approval.
* Make any needed revisions.
* Present the budget to the community. Tell the community what it can expect and what the current funding level will and will not accomplish. Take advantage of the opportunity to let public know of the variety of activities and services the library will be offering.
* Assign the director and staff to implement and manage the budget. The board's role should shift to maintaining an awareness of the expenditures and the adherence to the budget plan.
* Review regularly scheduled financial reports. These should include current expenditures, year-to-date expenditures, budget remaining, and explanation of any major changes. Unexpected expenses of any size should be approved by board motion.
* Work for future success in securing adequate funding by maintaining good communication with the local funding authorities. It is important that local officials understand what the library needs and what the library is accomplishing.

**Budget Timeline**

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| --- | --- | --- |
| **Month(s)** | **City Budget Cycle** | **Library Budget Cycle** |
| January / February |  | * Director and board review last year’s expenditures, strategic plan and goals; determine library needs; and determine library income. Director writes draft of budget.
* Board reviews draft budget.
* Director and board complete final draft of budget.
* Director/board reminds city of consequences of lowering local library income.
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| March / April | * City prepares its budget.
 | * Library prepares its budget.
* Board approves **GAAP Waiver\*** in March.
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| May | * Local motor vehicle income amounts are available by May.
 | * Library board and director present written budget to city.
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| --- | --- | --- |
| **Month(s)** | **City Budget Cycle** | **Library Budget Cycle** |
| June 15 | * Local assessed valuations are available.
* Cities can provide upcoming total amount expenditures for library fund.
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| June 30 - August | * Notice of Budget Hearing published in local newspaper.
* City holds public budget hearing.
* City delivers budget to county clerk.
 | * The city publishes its budget showing the current year and next year’s (1) expenditures for the library, (2) the mill levy for the library, and (3) the city’s assessed valuation.

If the expenditures for the next year are *at least equal* to the current year, your library will probably receive state aid.If the city’s valuation goes up, but the mill levy goes down such that the library expects to receive *less income* next year, then the library’s state aid and system grant may be in jeopardy. In this case, contact the city clear to see whether the total income will be higher or lower next year. If it is lower, then the library board needs to inform the city government about the consequences of losing state aid. |
| September thru December | * In early November, the county clerk mails tax statements to taxpayers.
 | * In September, determine the final operating budget based on official budget and other sources.
* In November, determine salaries for the coming year.
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| January |  | * Implement the new operating budget.
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**\* GAAP Waiver** – Generally Accepted Accounting Principles (GAAP) is a set of accounting standards or rules for organizing an entity’s financial statements. Under K.S.A. 75-1120a, libraries can be exempt from GAAP by resolution of the governing body. This needs to be completed annually. Visit <https://www.da.ks.gov/ar/muniserv/GaapWaiverProcedures.htm> to learn more.

**IX. Strategic Planning**

One of the standards for accreditation is the creation and periodic revision of a strategic plan for the library. (#13, NEKLS Accreditation Standards, 2018-2020)

* Work with the director to develop a strategic plan. NEKLS can assist with the strategic planning process.
* Use the strategic plan to inform budget preparation.
* Evaluate progress.

**X. Advocacy**

Trustees must be knowledgeable about the political process and be willing to learn the art of advocating for library service. Trustees need to cultivate relationships with local, state and national officials and work with them to increase support for libraries.

*Lobbying* is the process of expressing opinions to the decision-makers and supporting those opinions with hard evidence. It provides an excellent opportunity for trustees to use their knowledge and experience to work for better public libraries. Trustees and Friends are particularly important to library advocacy because they are citizen advocates. Legislators are not surprised when librarians support libraries. Legislators have been surprised by groundswells of citizen support for effective library programs.

For a complete discussion of advocacy, refer to the *Kansas Public Library Trustee Manual, 2016* – see link listed at the end of this document. Here are few key considerations:

* All Kansas library boards need to be aware of proposed local, state, and national legislation that may impact library service.
* Work with the mayor, council members, or whomever serves as the local government entity impacting your library and keep them informed throughout the year. Share information and invite them to attend library programs.
* Focus on facts. Prepare a simple fact sheet or infographic for elected officials. Use testimonials only for additional secondary support.
* Send newsletters and articles of special interest to legislators. Do not wait for a crisis to make an initial contact.
* Build coalitions with others sharing your concerns: library users, Friends, business people, teachers and retirees.
* Credibility is crucial. Approach officials with a clear purpose. Anticipate questions and be prepared to back your position with evidence.

**XI. Additional Resources**

*Five Leadership Roles for Library Trustees* – Urban Libraries Council

<http://www.urbanlibraries.org/filebin/pdfs/01_JanuaryExecutiveBrief.pdf>

Kansas Library Association

<https://kslibassoc.org>

Kansas Public Library Trustee Manual, 2016

<http://systems.mykansaslibrary.org/kansas-state-trustee-manual/>

Kansas State Library

<https://kslib.info/>

Kansas Statutes Annotated

[<http://kslegislature.org/li/b2019_20/statute/>](http://www.kslegislature.org/li/b2017_18/statute/)

United for Libraries: A division of the American Library Association

<http://www.ala.org/united/>