

The Kansas Public Library Handbook

Edited, Updated, and Published by:
Central Kansas Library System
Gail Santy
North Central Kansas Libraries System
Linda Knupp
Northeast Kansas Library System
Laura DeBaun
Northwest Kansas Library System
George Seamon
South Central Kansas Library System
Paul Hawkins
Southeast Kansas Library System
Roger Carswell
Southwest Kansas Library System
Holly Mercer
State Library of Kansas
Eric Norris

Topeka, Kansas

2020

PREFACE TO THE 2020 EDITION

The Kansas Public Library Handbook has been updated to include grammar and structural edits missed in the 2017 Edition, statute changes, and changes based on Kansas Attorney General Opinions.

Thank you and enjoy!

Regional Library System Administrators and the State Librarian of Kansas

TABLE OF CONTENTS

6 BY 6: READY TO READ	2
A	3
B	9
C	16
D	25
E	27
F	34
G	40
H	41
I	44
K	49
L	54
M	72
N	75
O	76
P	79
R	88
S	94
T	102
V	103
W	104
APPENDIX A	105
APPENDIX B	108
APPENDIX C	110
APPENDIX D	112
APPENDIX E	114
APPENDIX F	115
APPENDIX G	117
APPENDIX H	118
APPENDIX I	120
APPENDIX J	121
INDEX	123

6 BY 6: READY TO READ

6 by 6: Ready to Read is an initiative that public libraries across Kansas use to educate parents and-caregivers of young children about early literacy. Early literacy is what children know about reading and writing before they actually learn to read and write. 6 by 6 stands for six skills by six years; there are six skills that every child should experience before age six to be ready to learn to read. 6 by 6 is research based and is adapted from a national library program, Every Child Ready to Read.

A



ACCESS, FREE

[*\(See **FREE ACCESS** vs. **FEE ACCESS**\)*](#)

ACCESSIBILITY FEATURES OF BUILDINGS

[*\(See **AMERICANS WITH DISABILITIES ACT**\)*](#)

ADA

[*\(See **AMERICANS WITH DISABILITIES ACT**\)*](#)

ADMINISTRATOR

[*\(See **LIBRARY BOARD—Library Director**\)*](#)

ADVOCACY

It is essential for board members and Friends of the Library groups to have a knowledge of the political process. Board members are public officials who accept responsibility for public institutions and funds. It is important for board members to understand the levels of governance with which the board must work.

In Kansas, these levels include municipal, city, township, county, and state officials who have certain powers through which public libraries gain financial support. Board members need to cultivate relationships with these officials, working with them to produce the best possible climate for libraries.

Visibility

The process of actively presenting opinions to decision-makers is called advocacy. Effective advocacy can be accomplished in various ways.

First, it is important that officials know who the advocates are. Visibility, good public relations, and well-planned on-going publicity campaigns are essential parts of this recognition. Some guidelines follow:

- Initiate frequent informal visits with elected officials. This allows them to discuss situations face-to-face with the library's supporters.



- Supply officials with written communications which clearly relate facts about library issues. Attend party precinct caucuses and provide information on library services.
- Attend candidate forums.
- Invite elected representatives and local officials to a question-and answer session with the local board.
- Give encouragement to candidates who are supportive about library programs.
- Write letters, which are complete, clear, concise, correct, and courteous; use the official designation for a bill and refer to its title or content to identify it. Never use form letters. Never forget to say thank you.
- When the goal is achieved, remember to say thank you to the officials who supported the legislation.

A board member or Friend of the Library should see advocacy as a continuous information process for elected officials, as well as a right of every citizen to be heard and express an opinion.

AFFIRMATIVE ACTION

Affirmative Action is the process through which equal employment opportunity is realized. It is any activity or activities initiated by an employer, which attempts to overcome underutilization of protected groups (minorities, females, disabled).

AGENDA

[*\(See LIBRARY BOARD—Board Meetings\)*](#)

ALCOHOLIC LIQUOR FUND

[*\(See BUDGET—Sources of Tax Funds\)*](#)

AMERICAN LIBRARY ASSOCIATION

The American Library Association (ALA) is the world's oldest and largest library association founded by Melvil Dewey in 1876 in Philadelphia. Its members include not only libraries but also trustees, authors, illustrators, members of the book trade, businesses, and Friends of the Library.

The eight **Key Action Areas** define the broad scope of ALA's work:

- Advocacy for Libraries and the Profession
- Diversity
- Education and Lifelong Learning



- Equitable Access to Information and Library Services
- Intellectual Freedom
- Literacy
- Organizational Excellence
- Transforming Libraries

ALA membership represents all types of libraries-state, public, school, academic, and special libraries-serving persons in government, commerce, the armed services, hospitals, corrections facilities, and other institutions. ALA has eleven divisions based on the type of library and the type of activity. They are as follows:

- American Association of School Librarians (AASL)
- Association for Library Collections and Technical Services (ALCTS)
- Association for Library Service to Children (ALSC)
- Association of College and Research Libraries (ACRL)
- Association of Specialized, Government & Cooperative Library Agencies (ASGCLA)
- Library Leadership and Management Association (LLAMA)
- Library and Information Technology Association (LITA)
- Public Library Association (PLA)
- Reference and User Services Association (RUSA)
- United for Libraries (Trustees, Friends and Foundations)
- Young Adult Library Services Association (YALSA)

ALA's address is:

50 East Huron Street

Chicago, IL 60611-2795

Toll Free: 800/545-2433

Website: www.ala.org

All divisions can be reached at this address. ALA also has numerous round tables and committees, which serve special interests of membership, such as Intellectual Freedom, Library Education, etc.

AMERICANS WITH DISABILITIES ACT

The Americans with Disabilities Act (ADA) is intended to provide new opportunities for the 50 million Americans with disabilities or covered health conditions.

Some of the primary considerations for libraries under ADA include:



- Library facilities should be made barrier free as soon as possible. Barrier free areas should include all public services, all collections, restrooms, and meeting rooms. The ADA requires the removal of barriers from existing buildings when it is readily achievable to do so.
- No library should make a determination that it is not possible to have a barrier free facility without a thorough investigation of all possible resources, including those of the parent government or administrative unit.
- Any library that undertakes a renovation, expansion, or full building program MUST plan carefully for complete access. Any new or renovated facility must comply with the ADA or its administration is legally liable. When remodeling, any portion of an existing building that is altered must be made accessible.
- Whether or not the facility can be made barrier free, the library has exactly the same legal obligation to provide all services, programs, and materials to those with disabilities or covered health conditions. This often means an increased emphasis on outreach or offsite library services.
- No library may practice employment discrimination against those with disabilities or covered health conditions. Applicants may not be asked about disabilities. They can be asked if they can meet all the requirements of a written job description with or without reasonable accommodation. They can be considered ineligible only if they require accommodation that would pose a clear and unreasonable hardship for the library. Employees with disabilities must be provided reasonable accommodations unless to do so would impose an undue hardship. This means any change or adjustment to a job or work environment that permits a qualified employee with a disability to perform the essential functions of a job or to enjoy benefits and privileges equal to those enjoyed by employees without disabilities. This may include acquiring or modifying equipment, part-time or modified work schedules, or making the workplace readily accessible.

It is strongly suggested that Kansas libraries make full use of regional and state consultants when planning ADA compliance.

The ADA's implications for library service extends to areas which may not be obvious at first, including telecommunications, signage, web sites, and more.

For more information about the ADA and its requirements, go to www.ada.gov.



ARCHITECTURAL BARRIERS

[\(See AMERICANS WITH DISABILITIES ACT\)](#)

AUDITS

Kansas Senate Bill 247 amended [K.S.A. 75-1122](#) regarding the annual audit requirement for municipalities.

Municipalities having either aggregate gross receipts in excess of \$500,000 or general obligation bonds, or revenue bonds outstanding in excess of \$500,000 are required to be audited by a licensed municipal accountant or certified public accountant annually.

Municipalities, with aggregate gross receipts, or general obligation bonds, or revenue bonds in excess of \$275,000 but less than \$500,001, the 2016 legislation requires agreed-upon procedures to be performed annually, with enhanced agreed upon procedures being required to be performed every third year. For municipalities, the new thresholds will be effective for the year ending December 31, 2017.

Agreed upon procedure and enhanced agreed upon procedure reports are to be filed with the Office of the Chief Financial Officer – Municipal Services Team in an electronic format within one year after the close of the municipalities fiscal or calendar year. Reports are subject to the Office’s audit filing fee schedule.

To date, no agreed-upon procedures or enhanced agreed-upon procedures have been developed in relation to the legislation. The procedures will be incorporated into the 2017 KMAAG which is scheduled for release in January of 2017.

[K.S.A. 75-1123](#) requires examinations or audits to follow the municipal audit guide. This guide, beginning with audit years ending Dec. 31, 2012, includes city, county, and township libraries in its definition of “related municipal entities.” The guide allows for “related municipal entities,” such as libraries, to be included in the municipality’s audit. If the municipality elects not to include the library in its audit, and the library meets the thresholds outlined above, the library is responsible for obtaining a separate audit.

This law affects all regional systems of cooperating libraries, public libraries in cities of the first class, and public libraries in cities of the second class. It also affects some third-class city public libraries. A check with the city clerk is advised as to procedure.



Federal Audits

In the case of libraries, which receive federal funds through the State Library, federal regulations require that records are retained for audit purposes five years after the federal fiscal year in which the grant was made or until after completion of a federal audit. System and library sub grantees are subject to federal audit, as is the State Library.

Audit Reports on Federal Grant Funds Received From the State Library

Audit reports must be prepared at the completion of an audit. Reports serve many needs of federal, state, and local governments as well as meeting the requirements of Single Audit Act of 1984 and the Single Audit Act Amendments of 1996. Audit reports must be submitted within nine months of the close of the period.

Audit reports to the State Library should include a financial statement audit accompanied by reports on schedule of federal financial assistance, on internal control, and on compliance. The audit must be performed at the sub grantee's expense. All sub grantees having audits performed submit one copy of the report to the State Library within 30 days after issuance. The State Library will keep completed audits on file and follow up with local boards that have not submitted required audit reports.



B

BENEFITS

[\(See EMPLOYEE BENEFITS\)](#)

BLIND AND PHYSICALLY HANDICAPPED, LIBRARY SERVICES TO

[\(See KANSAS TALKING BOOK SERVICE\)](#)

BOARD

[\(See LIBRARY BOARD\)](#)

BONDS, MUNICIPAL

A library board may request the governing body of its municipality to issue obligation bonds for providing funds for:

- the purchase or acquisition of a site;
- the construction of a new public library facility; or
- the remodeling, construction, reconstruction, furnishing, and equipping of an addition or annex to an existing facility.

Publication notices for municipal bond sales must be in a newspaper in the county where the bond will be used and in the Kansas Register.

Boards of library districts are given authority in [K.S.A. 12-1244](#) to call a bond election and issue bonds.

BONDS OF LIBRARY BOARD TREASURER

[K.S.A. 12-1226](#) provides that the treasurer of a public library board must be bonded in an amount fixed by the board and approved by the governing body of the municipality:

- the city council or commission-for city libraries;
- the county commission-for county libraries;
- the township board-for township libraries; or
- the official head of each participating county or township-for regional libraries.

In the case of a district library, only the library board determines and approves an amount for the bond of the treasurer ([K.S.A. 12-1246](#)).



The purpose of the bond is to protect the library by guaranteeing the safekeeping and correct disbursement of tax funds and all other monies that come into the hands of the library treasurer. The bond must be filed with the clerk of the city or county or the Secretary of the township board. While [K.S.A. 12-1226](#) provides that the library board treasurers must be bonded, the statute does not state that the bond must be from an insurance company. The treasurer therefore may have a surety posted by local organizations or agencies to avoid the expense of a surety bond by an insurance company, the minimum of which is about \$50 annual for each \$1000.00 of surety.

Public libraries may wish to consider a position bond rather than a treasurer's bond for an individual. Although some insurers prefer to insure a person rather than the office of treasurer, some libraries have found that bonding the position streamlines the bonding process, especially when there occurs a high turnover of individuals filling the office of treasurer.

BPH

[\(See KANSAS TALKING BOOK SERVICE\)](#)

BUDGET, LIBRARY

One of the most important obligations of the library board is to be certain that sufficient funding is available to properly operate the library. Each board member should be aware of the library's financial background; the governing body allocating the appropriation; the entire resources of local tax monies; grants available from the state and federal government; and any other possible sources of funding (i.e., bond issue, endowments, gifts, bequests, foundation grants, donations, fines, and fees).

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.

What is a Budget?

A budget is a financial expression of the library's plan and objectives. Therefore, before a budget can be formulated, the plan for library services must be developed and the goals and objectives established. 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.

Authority to Levy

For municipal libraries, [K.S.A. 12-1220](#) states that the governing body "shall annually levy a tax in such sum as the library board shall determine within the limitations fixed by law". *The phrase "limitations fixed by law" means fixed by statute, and not by municipal simple ordinance ([Attorney General's Opinion 2006-4](#)).*

Attorney General's Opinions of July 15, 1964, June 2, 1972, and [74-271](#) state that municipalities "shall" levy a tax to fund the budget prepared by the library board if the levy is within limitations. [Attorney General's Opinion No. 82-193](#) states: "Although the sum requested cannot result in a mill levy in excess of that allowed by law, the governing body of the municipality may not reduce the amount requested by the library board."

When the budget requires an increase in revenue from property taxes, it may be required to publish notice of the vote in the official county newspaper, whether the mill levy increases or not. This requirement is triggered when the revenue increase exceeds the increase in the consumer price index for urban consumers during the previous years, excluding such things as new improvements to real property.

At the time of this writing, an attorney general's opinion has been requested to clarify whether this vote requirement applies to the library board or the municipal governing body, and some implications of that if it is the governing body.

Since 1999, statutory limitations on library levies have been suspended and, in fact, are no longer in the statutes. Municipalities may use home rule (see [HOME RULE](#)) to establish a maximum mill levy for the library by charter ordinances. (Attorney General's Opinions, [99-27](#), and [2006-4](#)). Where no such charter ordinance is in place, the governing body is required to levy a tax sufficient to adopt the budget adopted by the



library board. Where such charter ordinances do exist, the governing body is still required to do so unless the levy required exceeds the stated maximum levy. Taxes levied by the municipal governing body for the library is to be placed in a separate fund known as the Library Fund. They should not be comingled with the municipality's General Fund ([K.S.A. 12-1220](#) and [Attorney General's Opinion 97-35](#)).

[K.S.A. 12-1230](#) provides that municipalities not maintaining a library may contract with any library for the furnishing of library service and may levy a tax to pay for this contracted service ([see CONTRACTING FOR LIBRARY SERVICE](#)).

A municipality, which does not support a public library within its boundaries and does not contract for library service with an existing library but levies a library tax and uses the funds for other purposes, is violating the law (Attorney General's Opinion, April 5, 1972).

Cash Basis Law

[\(See CASH BASIS LAW\)](#)

Sources of Tax Funds

Although the total income of public libraries is derived from a variety of sources, the basic budget depends on tax income.

The library tax budget may be funded with ad valorem tax levy funds, delinquent funds (back taxes), local ad valorem tax reduction funds (LAVTR), motor vehicle tax funds (MV), 16/20M vehicle tax funds, recreational vehicle tax funds (RV), commercial vehicle tax, and watercraft tax. Additional tax sources which are optional on the part of the municipal government and which may not be applicable in all cities, townships or counties include local sales taxes, alcoholic liquor taxes, bed taxes, and transfers from special funds or from the general fund of the parent municipality. For the most part, a library's budget is composed of ad valorem tax monies, taxes on various categories of vehicles and watercraft, and back taxes. These, plus local ad valorem tax reduction funds, are eligible factors in determining a library's eligibility for receiving a State Aid grant.

Although the other types of monies mentioned may be used to fund the library budget, it is important that they not reduce the amount received from ad valorem taxes, motor



vehicle taxes, back taxes, and LAVTR so that the library's eligibility for State Aid is not jeopardized ([see STATE AID](#)).

Libraries are eligible for monies distributed by the local alcoholic liquor fund because they are facilities which provide recreational services and programs ([Attorney General's Opinion No. 79-258](#)).

The Kansas statutes do not require a library to include any non-tax monies in the city's public budget. Such monies would include fines, fees, interest on accounts, endowments, memorials, gifts, etc. It is not advisable to include such items in the published budget because the local support could be reduced through the availability of these "outside" funds and thus jeopardize State Aid and/or system grants.

In some cases, the auditors of certain municipalities have told their libraries that they must include outside monies in their budgets. If the auditors require it, the sources should be clearly identified as non-tax monies which cannot be used to reduce the local tax obligation.

Even though the library may be required by auditors to show endowment funds in the published budget, it is not necessary to limit the expenditures of monies in the endowment fund to what is shown in the budget. The reason being that endowments are considered donations (gifts), and as such, are exempt from the Budget Law, and need not be budgeted in order to be spent.

[K.S.A. 12-1225\(h\)](#) provides library boards the authority to receive and accept any gift or donations to the library and administer the same. If no provisions are specified (by the donor), the board shall have the power to hold, invest, reinvest the gift, and any dividends, interest, rent, or income derived from the gift in the manner the board deems will best serve the interest of the library.

Distribution of Funds

Some libraries must carry money over because the county treasurer does not distribute any money in January and sometimes not until as late as March.

[K.S.A. 12-1678a](#) gives a schedule for delivery of funds to municipalities from county treasurers, with the first payment being due on or before January 20. The statute also provides for taxing subdivisions to request advance payments in order to meet fiscal



needs (as certified by the governing body of the taxing subdivision), but the amount requested may not exceed the amount actually collected and owned to the taxing subdivision.

Some municipalities delay distribution of tax money from the county treasurer until the governing body of the municipality has specifically approved the disbursement to the library board. The municipal Services Team believes such a procedure is not needed, since the [governing body] has already given its approval of the appropriation to the library through the budget process. Municipal Services is not aware of any law, regulation, case law, or Attorney General Opinion that requires a second approval and would recommend distribution be made as soon as possible after the [governing body] receives the tax distribution from the county. Most county treasurers distribute five times a year pursuant to [K.S.A. 12-1678a](#):

- January 20
- March 20
- June 5
- September 20
- October 31

If a library does not receive a tax distribution from the city shortly after these dates, it should contact the municipality to inquire.

Some libraries do not receive final disbursements until late in December. This is often because the last disbursement of motor vehicle tax funds is not made from the state until December. However, most of the ad valorem tax funds should be received in November. The municipality can legitimately draw interest on library funds, which are not disbursed, and this interest is not required to be turned over to the library.

BUILDINGS

[\(See PHYSICAL FACILITIES\)](#)

BY-LAWS

All public library boards need to assure continuity and consistency for their legal, financial, and policy-making activities. Written by-laws are an accepted tool for doing this. By-laws are the basic structure under which the board does business. A public library should be organized with effective routines for the conduct of its own affairs. Each board should have a set of by-laws outlining these routines, including:



- library name;
- mission statement;
- service district;
- place, time, and responsibility for regular meetings;
- officers, committees, and their duties;
- date of an annual meeting for election of officers;
- attendance requirements;
- procedures for calling a special meeting;
- definition of a quorum;
- parliamentary rules to be followed;
- the role of the director;
- procedures for amending the by-laws.

A copy of the by-laws should be provided to each board member, and delivered to each new member appointed or elected. Bylaws should be publicly available in an appropriate manner, such as at the library or on the library's web site.

A sample set of by-laws are in [Appendix A](#).



CALDECOTT AWARD

The Caldecott Medal was named in honor of nineteenth-century English illustrator Randolph Caldecott. The medal is awarded annually in recognition of the preceding year's most distinguished American picture book for children. Beginning in 1937 the medal is awarded to an illustrator yearly by the Association for Library Service to Children (ALSC), a division of the American Library Association (ALA). The Caldecott and Newbery Medals are the most prestigious American children's book awards. Beside the Caldecott Medal, the committee awards a variable number of citations to worthy runners-up, called the Caldecott Honors or Caldecott Honor Books. Recently there are two to four annual Honors.

CAPITAL IMPROVEMENT FUND

[K.S.A. 12-1258](#) gives any public library board the authority to create a library capital improvement fund and to place in this fund each year an amount of up to 10 percent of the library's general operating fund. These capital improvement funds may be accumulated and do not have to be expended by the end of each budget year. Non-tax funds may be added at any time. Money from this fund may be used for improving, furnishing, equipping, remodeling, or making additions to the library.

What is a capital improvement? A one-time, major expenditure which is not a common or regular expenditure may be a capital improvement.

A public library using a capital improvement fund should mention the fund in its policy manual. This policy statement should contain some of the wording from the statute itself.

Outside the policy manual, a paper trail should be created to legitimize the capital improvement fund. Steps that should be taken include:

- a resolution passed by the library board creating the capital improvement fund;
- the resolution should be included in meeting minutes (as well as in the policy manual);
- a copy should be delivered to the municipal government;
- when the library budget is created, "the amount credited to, and the amount on hand in, the capital improvement fund and the amount expended therefrom shall be shown" (this step is required by the law);



- if the library cannot budget an actual amount, the budget document should include instead a statement of intent to transfer an amount not to exceed 10 percent of the tax budget to the capital improvement fund;
- the library board should open an interest-bearing account of any sort and name it the Library Capital Improvement Fund; and
- when transferring from the general fund to the capital improvement fund, a check should be written to the name of the interest-bearing account.

By following these steps the library has a written record in the minutes, in the policy manual, at the municipal government headquarters, in the budget and at the bank.

According to the statute, “If the library board determines that money which has been transferred to such fund or any part thereof is not needed for the purpose for which transferred, the library board is hereby authorized to direct a retransfer of such amount not needed to the general operating fund. . . .”

It is not the intent of the capital improvement fund statute to require an amended budget or republication of the budget when money from the fund is spent or transferred. Once an amount under the 10 percent has been moved from the current year’s budget it is considered an expenditure for that year. Money in the capital improvement fund is then treated like any other money outside the published budget, such as fines, fees, gifts, donations or memorials.

A capital improvement fund is a good tool to eliminate end-of-year cash carryover funds which may become a source of contention with the local government.

CARNEGIE LIBRARIES

Forty Carnegie libraries in Kansas are listed on the National Register of Historic Places, nominated as part of a thematic resources nomination for their historical association with the Carnegie Corporation Library Building Program and for their architectural significance. Between 1902 and 1921 a total of 59 libraries were completed in 58 Kansas communities. Of those on the National Register, only 18 still serve as public libraries, including those at Canton, Cherryvale, Clay Center, Downs, Fort Scott, Girard, Herington, Independence, Kingman, Lincoln, Lyndon, Oswego, Peabody, Pittsburg, Sterling, Stockton, Wellington and Yates Center. More detailed reading about Carnegie libraries in Kansas can be found in *The Carnegie Legacy in Kansas*, by Allen Gardiner, Topeka: Kansas State Library, 1985.



CASH BASIS LAW

Public libraries and regional library systems are subject to the cash basis law. Under this law, they may not create any indebtedness over the amount of money on hand in the treasury. There are specific exceptions to the cash basis law. These include issuing bonds ([see *BONDS, MUNICIPALITY*](#)) and lease-purchase agreements ([see *LEASE-PURCHASE AGREEMENTS*](#)). [K.S.A. 10-11](#)

CENSORSHIP

Libraries are sometimes targets of pressure from groups and individuals who wish to use the library as an instrument of their own tastes and views. A public library has the responsibility, however, to present as wide a spectrum of materials as its budget can afford.

To combat censorship efforts, every library should take certain measures to establish policies. The policy manual should contain the following:

- a definite materials selection or collection development policy
- a clearly defined method for handling complaints

While the materials of a library may be challenged, Kansas librarians are protected from obscenity charges under [K.S.A. 21-6401](#), which reads, in pertinent part:

“(g) It is a defense to a prosecution for obscenity that: (2) the defendant is an officer, director, trustee or employee of a public library and the allegedly obscene material was acquired by such library and was disseminated in accordance with regular library policies approved by its governing body, or (3) the allegedly obscene material was purchased, leased, or otherwise acquired by a public, private or parochial school, college or university, and that such material was either sold, leased, distributed or disseminated by a teacher, instructor, professor or other faculty member or administrator of such school as part of or incident to an approved course or program of instruction at such school.”

What to do when the censor comes

Adherence to the established policy on materials selection will not avoid confrontations with pressure groups or individuals. The policy should provide a base from which to counter censorship efforts. If confrontation occurs, library staff should do the following:

- Remain calm. At all times treat the group or individual with dignity and respect.



- Explain to the complainant(s) that all requests for reconsideration of library materials are handled through the library director. An appointment should be made between the director and the complainant(s) in person or by telephone.
- If a personal meeting takes place, a private area should be chosen. The director and another staff person or board member will listen calmly and courteously, while assuring that all the facts surrounding the complaint are known to report to the full library board.
- The director will explain the library's materials selection policy, stating that the library board subscribes to the ALA Freedom Statements.
- If the complainant(s) wish to continue the procedure of reconsideration after talking with the director, they should be requested to complete the form *Request for Reconsideration of Library Materials*. A sample *Request for Reconsideration of Library Materials Form* may be found in Appendix B.
- After the director receives the completed form, the person or committee specified in the library's materials selection policy should review the work being challenged and respond to the complainant.
- The process for reconsideration shall be explained to the complainant(s) including that after a decision has been reached, notification will be given the complainant.
- An appeal may be made to the full board, but its decision is final.

Censorship and Internet access

Public libraries should not, and indeed legally may not, censor constitutionally protected material when offering Internet access to the public. Such censorship could make the library vulnerable to a lawsuit. ([See also CHILDREN'S INTERNET PROTECTION ACT](#) and [KANSAS CHILDREN'S INTERNET PROTECTION ACT](#))

CHARTER ORDINANCE

Cities and counties use a Charter Ordinance to invoke "Home Rule." (See [HOME RULE](#))

CHECKING ACCOUNTS

Public libraries sometimes maintain two or more checking accounts for local tax money, state aid, system grants, and endowment funds. Banks do not always approve of such arrangements. Except for system or local requirements, a public library needs to maintain only one checking account. However, the bookkeeping system must accurately



reflect expenditures from each fund or category. This would be particularly true in the event that the library must undergo a state or federal audit.

The Federal Deposit Insurance Corporation (FDIC) insures up to \$250,000 per depositor per insured bank. Libraries whose balances in all accounts may exceed this should either divide their funds between banks or make sure that balances over \$250,000 are secured in other ways, such as a pledge of securities by the bank.

CHILDREN’S INTERNET PROTECTION ACT (CIPA)

The Children’s Internet Protection Act (CIPA) applies to libraries which accept federal funds for Internet access, including computers used to access the Internet. Most commonly, this means e-rate, although in some situations LSTA funds are also awarded for uses covered by CIPA.

Libraries to whom CIPA applies are required to adopt an Internet safety policy which includes the use of “technology protection measures”—essentially, filtering or blocking software—to keep users from accessing images online which are obscene, child pornography, or harmful to minors. This filtering applies to all computers in the library, which access the Internet, including staff computers. The law permits staff to disable the filter for an adult user to enable access for a lawful purpose.

Because filters often block constitutionally protected speech, the law was challenged and the case ended up before the Supreme Court. In *United States v. American Library Association*, the Court narrowly upheld CIPA under the assumption that filters would be disabled without delay upon request from an adult patron. If libraries cannot or will not disable filters upon request by an adult patron, it could give rise to a claim in the future that CIPA is unconstitutional as applied. ([See also KANSAS CHILDREN’S INTERNET PROTECTION ACT](#))

CIVIL RIGHTS

All libraries participating in, or receiving services or other benefits from a regional system of cooperating libraries must sign a form and file it with the Kansas State Library giving assurance of compliance with the Civil Rights Act of 1964 according to Kansas Administrative Regulations [54-1-4](#). This assurance is given as part of the annual public library survey (statistical report) from the State Library of Kansas. By the terms of the Civil Rights Act, no person in the United States “shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be



otherwise subjected to discrimination under any program or activity for which the applicant receives Federal financial assistance. . . .”

CONFLICT OF INTEREST

A conflict of interest exists when a library board member performs duties which could bring personal financial gain. An example would be a library contracting for a new roof with a roofer which is owned by one board member or their spouse. A conflict is avoided if the board member does not participate in the discussion or vote on the issue.

The question of who may serve on a library board and whether a library employee may serve on the governing body of the municipality is often, and erroneously, referred to as a conflict of interest. For information on this question, ([see *INCOMPATIBILITY OF OFFICE*](#)).

CONSTRUCTION

([See *PHYSICAL FACILITIES*](#))

CONTRACTING FOR LIBRARY SERVICE

[K.S.A. 12-1230](#) provides that the governing body of any municipality not maintaining a library may contract with any public library for the furnishing of library service to such municipality, and to pay for the costs by levying a tax in the amount authorized to be levied by the municipality for the maintenance of a public library.

For the purposes of State Aid, the definition of a “local public library” has been expanded to include “municipalities contracting with any library for the furnishing of library services to such municipality” ([K.S.A. 75-2554](#)). The eligibility of any such municipality for State Aid must be determined independently of the contracting library and not computed on the basis of the combined populations of the library and contracting municipality ([Attorney General Opinion No. 79-60](#)).

There are several townships in Kansas which do not have established libraries but which levy an annual tax in support of the city library located in the township. In such cases, it is suggested that city libraries and their supporting townships make a written letter of agreement for the provision of library service to the township residents.



[Attorney General Opinion No. 79-60](#) states that “while a written contract...might be preferable, we are aware of no legal requirement that the contract be written... [when the] agreement contemplates the furnishing of library service on an annual basis...” Attorney General Opinion No. [73-214](#) states that “The furnishing of library services, pursuant to a contract or other arrangement, does not in and of itself constitute the establishment of a library.” *A sample Contract for Library Services may be found in Appendix E.*

COPYRIGHT

Librarians should be aware of the basic provisions of copyright law and the implications for library service. Copyright applies to such works as printed materials, dramatic or musical compositions, video and audio recordings, computer programs, web sites, digital materials, etc. Ideas or facts cannot be copyrighted, but only the particular expression of ideas. Several rights are given to the copyright holder: reproduction (copying), preparation of derivative works, distribution, performance, and display (in the case of pictorial, graphic, and similar works). Copyright applies when an expression is fixed in a tangible medium; the material does not need to be either published or registered. Copyright applies whether or not a copyright symbol (©) is placed on the work. Copyright terms currently are for the life of the author plus 70 years, or 95 years for works produced for hire or anonymously. The Digital Millennium Copyright Act provides additional protection for digital works, including prohibiting of circumvention of technology protection measures that control access to a copyrighted work (with some exceptions). In addition, no “first sale doctrine” applies, meaning libraries may not have the right to sell, rent, or dispose of a digital work.

Rights of the copyright holder are not absolute. They are subject to fair use and other exceptions found in the copyright law. Fair use factors include the purpose and character of the use, including whether such use is of a commercial or nonprofit educational nature; the nature of the copyrighted work; the amount and substantiality of the portion used in relation to the whole; and the effect of the use upon the potential market. Furthermore, the “first sale doctrine” provides that the owner of a legally acquired copy of a copyrighted work may sell that copy, give it away, rent it, or destroy it.

All the preceding is an oversimplification of the actual copyright law; more complete information may be found at www.copyright.gov.



Some particular ways in which public libraries are affected are detailed below.

Photocopiers and other copying equipment

Libraries cannot be held liable for patron use of photocopiers, printers, scanners, microfilm reader-printers, and other copying equipment which are *unsupervised*, providing the proper notice is attached to the machine. This notice is:

NOTICE: The copyright law of the United States (Title 17, U.S. Code) governs the making of photocopies or other reproductions of copyrighted material; the person using this equipment is liable for any infringement.

If the copying is performed by library staff for patrons, the requirements are a little more extensive. Only one article from a magazine or a small portion of any other copyrighted work may be copied, the copies must include a notice of copyright or a legend that states that the work may be protected by copyright, and the following notice must be displayed where copyright orders are taken:

NOTICE: WARNING CONCERNING COPYRIGHT RESTRICTIONS

The Copyright law of the U.S. (Title 17, U.S. Code) governs the making of photocopies or other reproductions of copyrighted material.

Under certain conditions specified in the law, libraries and archives are authorized to furnish a photocopy or other reproduction. One of these specific conditions is that the photocopy or reproduction is not to be "used for any purpose other than private study, scholarship, or research." If a user makes a request for, or later uses, a photocopy or reproduction for purposes in excess of "fair use", that user may be liable for copyright infringement.

This institution reserves the right to refuse to accept a copying order if, in its judgment, fulfillment of the order would involve violation of copyright law.

Off the air recordings/copied recordings

While recording television programs off the air is legal for personal use, such off the air recordings may not be placed in library collections, nor may they be sold. The same is true of copies made from an original recording. Libraries which receive donated items which are copied or recorded off the air should discard them.



Copying for preservation/replacement

Materials may not be copied and archived as a guard against loss or damage. Copies may only be made after the loss or damage has occurred, and only if the library has determined after a reasonable search that a replacement copy is not available at a fair price. An exception is computer programs, which may be copied and archived.

Obsolete formats

A library may make copies of materials in different formats if the original is in an obsolete format, meaning that the playback equipment for the format is not readily available on the market; and if after a reasonable effort to locate an unused replacement copy in the desired format on the market and determined one is not available at a reasonable price. If the copy is transferred to a digital format, that copy cannot be made accessible to the public outside the library premises.

Digitizing collections

Materials that are under copyright protection generally cannot be digitized without the permission of the copyright holder. There is an exception for works that are in the last 20 years of copyright protection which meet certain criteria, including that the work is no longer commercially exploited by the copyright holder. It may also be possible to make an exception under fair use, using the fair use criteria mentioned previously.

CORETTA SCOTT KING AWARD

The Coretta Scott King Award honors African-American authors and illustrators for outstanding contributions to children's and young adult literature that promotes understanding and appreciation of the culture and contribution of all people to the realization of the American Dream. It is awarded by the American Library Association (ALA.) The award commemorates the life and work of Dr. Martin Luther King, Jr., and honors his wife, Mrs. Coretta Scott King, for her courage and determination to continue the work for peace and world brotherhood. The Awards are given in author and illustrator categories; honor recipients may also be named each year.

D



DEPOSITORY LIBRARIES

(See [FEDERAL DEPOSITORY LIBRARIES](#); [STATE DEPOSITORY LIBRARIES](#))

DIGITAL RESOURCES

The State Library of Kansas provides access for all Kansans to a variety of databases and related online services. These can be found at <http://kslib.info/eor>.

The State Library of Kansas works with Kansas libraries to provide digital library books for all residents, which includes downloadable audiobooks and ebooks. Most require a Kansas Library eCard for use. Kansas Digital Book eLending can be found at <http://kslib.info/digitalbooks>.

DIRECTOR

(See [LIBRARY BOARD—Library Director](#))

DISTRICT LIBRARIES

(See [PUBLIC LIBRARIES—Types](#); [LIBRARY BOARD—Library Board of a District Library](#))

DISTRIBUTION OF FUNDS

(See [BUDGET—Distribution of Funds](#))

DOCUMENTS

(See [FEDERAL DEPOSITORY LIBRARIES](#); [STATE DEPOSITORY LIBRARIES](#))

DRESS AND APPEARANCE CODE

While very little is available specifically about libraries, some decisions by the National Labor Relations Board and some case law shed light on dress and appearance codes for library staff.

In general, the courts consider whether the employer has a valid justification for requiring a dress code. Some accepted justifications include promoting safety, public health, preventing alienation of customers, preventing adverse effects on customers/patients, and preventing dissension and conflict.



If a library board chooses to impose a dress and appearance policy, there are a few factors to consider:

- the dress and appearance code policy should be clear, unambiguous, and consistently enforced;
- the standard should be related to a library need; and
- the policy should be consistent with contemporary attitudes toward dress and grooming.

The ramifications of dress and appearance code policies should be considered and discussed by the board before they are implemented. While it's okay for a library to be concerned with employees' appearances for public image or safety factors, the standard rule of managerial common sense is to be flexible in approaching dress codes.

If the board adopts dress code policies, be certain to have a legitimate library reason for regulating an employee's appearance. The courts recognize that the right of employees to determine their own clothing may be limited by the nature of some jobs, but they do not uphold unwarranted or unnecessary interference by management with an employee's dress or grooming habits. Beware of sexism in dress code policies. Take the time to review each mandated dress code, and check to see if it could be construed as gender biased.

DUTIES

(See [LIBRARY BOARD—Statutory Powers and Duties of the Library Board](#); [LIBRARY BOARD—Library Director](#))



EBOOKS

[\(See DIGITAL RESOURCES\)](#)

EMPLOYEE BENEFITS

[K.S.A. 12-16,102](#) gives authority to establish a public library employee benefit fund. The library board must request the governing body of the municipality to levy an employee benefit levy which is separate from and in addition to the general library levy. For district and regional libraries, a resolution must be passed by the library board.

The employee benefits fund may be created for the purpose of “paying the employer’s share of any employee benefits, exclusive of any salaries, wages, or other direct payments to such employees, as may be prescribed in the ordinance or resolution of the governing body creating such funds.”

The library employee benefit fund may pay for the employer’s share of any employee benefits exclusive of salary, such as health insurance, retirement insurance (KPERs or other retirement program), social security insurance, unemployment, and worker’s compensation.

The establishment of a library employee benefit fund takes the amount being paid for benefits out of the library general operating fund, allowing for that amount to be used for operations. The municipal government can establish the library employee benefit fund at its discretion by passing the simple ordinance. Only the amount necessary to pay the employer’s share of employee benefits can be levied for the library employee benefits fund.

The municipal government is not obligated to create a separate library employee benefits fund, but once it is established the attorney general has stated that the municipal government cannot decline to levy the fund amounts necessary to pay library employee benefits.

KPERs and Retirement

Library board may choose to affiliate with the Kansas Public Employees Retirement System (KPERs) ([K.S.A. 74-4901](#) through [K.S.A. 74-4944](#)). Once the library has affiliated, it may not withdraw from KPERs. If your library is participating in the program,



every employee working 1,000 hours annually (17.5 per week, on average) is required to participate in the program.

KPERS contributions are withheld from the employee's pay, and the library as employer also pays a contribution. Contribution rates are set by KPERS and the employee's rate will vary depending on date of hire.

Libraries that participate in KPERS may hire KPERS retirees. As of 2019, KPERS retirees no longer have an earnings limit; however, libraries will be required to pay contributions for KPERS retirees they employ. These contributions may be significantly higher than the regular rate. In addition, KPERS retirees and employers may not make pre arrangements for employment before retirement or during the specified waiting period.

For more information go to www.kpers.org.

The library may also establish a 457(b)-deferred compensation plan (similar to 401(k)s for private employers). Employees may by salary reduction contribute to these plans for retirement savings, and income tax is deferred on such plans. Employers may also contribute to employee accounts if they wish.

Social Security

Social Security and Medicare cover all public employees in Kansas, which includes employees of public libraries. Employees contribute 6.2% of pay to Social Security and 1.45% to Medicare (known collectively as FICA taxes), and the employer contributes an equal share.

Unemployment

Each public library or municipality supporting a public library has to provide for the funding of unemployment benefits. ([Refer to K.S.A. 44-703](#) through [44-710e](#)) More information about unemployment benefits is available in the [Unemployment Insurance Employer Handbook](#).

Worker's Compensation

On-the-job accidents are covered by worker's compensation as required by [K.S.A. 44-505](#). Any city, county or other political subdivision, or municipality must levy taxes to

provide for the cost of worker's compensation. Worker's compensation is mandatory if the library's payroll is \$20,000 or more annually.



Establishing an Employee Benefit Fund

The library board of a city, county, or township that desires to use an employee benefit fund levy must request the governing body of the municipality to establish the levy. [K.S.A. 12-16,102](#) authorizes cities, counties and other taxing subdivisions to create an employee benefits contribution fund for the purpose of paying the employer's share of certain employee benefits. The benefits to be covered by the fund should be prescribed by the ordinance; the intent of this act was to provide local discretion as the benefits to be covered. The fund may cover any employee benefits program, exclusive of salaries, wages, or other direct payments to such employees. The governing body may also create an employee benefits fund for its political subdivisions, such as the public library. To utilize the employee benefits fund, it is necessary for the city governing body to pass an ordinance prescribing the purposes for which the fund will be used. To levy property taxes for this fund, it is necessary to establish the fund by ordinance prior to budget approval and certification. *A sample Library Board Resolution for Request and Recommendation of a Library Employee Benefit Fund Levy, Employee Benefit Ordinance, and District Library Board Resolution for Establishing a Library Employee Benefits Contribution Fund can be found in Appendix F and Appendix G.*

Once an employee benefits contribution fund is created for a library by its municipal government, the municipal government may not decline to levy the fund amounts necessary to pay library employee benefits ([Attorney General's Opinions No. 89-50](#) and [2006-25](#)). Once an employee benefits contribution fund is created by a district or regional library, the board should not decline to levy for it.

EMPLOYEES, MINOR (14-16)

Public libraries may employ employee minors 14 to 16 years old:

- outside school hours;
- not more than 40 hours in any one week when school is not in session;
- not more than 18 hours in any one week when school is in session;
- not more than eight (8) hours in any one day when school is not in session;
- not more than three (3) hours in any one day when school is in session; and
- between 7:00 a.m. and 7:00 p.m. in any one day, except during the summer (June 1 through Labor Day) when the evening hour is 9:00 pm.

([29 C.F.R. 570.35a](#))



ENCUMBRANCE

This is a very misunderstood term. An encumbrance occurs when a purchase order is made out and mailed, ordering a specific item or items at a set cost or costs. The order constitutes a binding agreement and by making the order the customer guarantees payment for a specific material or materials. This is also referred to as a legal obligation. In budget reports, an encumbrance should be shown as an expenditure.

ENDOWMENT

Endowments are funds or property donated to a library as a source of income. It is a means of fundraising to supplement the tax levy which should be the chief source of library income. Endowment income is outside and in addition to the official budget.

Endowments can be designated for specific purposes, or they can be open-ended which allows the libraries to use the funds as necessary. They often operate either as trust funds or as special accounts or deposits in local banks. Because endowments are donations and not tax funds they can be invested in the way which best benefits the library, as provided in [K.S.A. 12-1225\(h\)](#). ([See FOUNDATIONS](#); [GIFTS AND GRANTS](#); [INVESTMENTS OF FUNDS](#))

EQUAL EMPLOYMENT OPPORTUNITY

Equal Employment Opportunity (EEO) is the condition whereby all employment processes and circumstances operate to afford an equitable opportunity to all individuals, irrespective of non-merit principles such as race, color, sex, religion, national origin, ancestry, age, disability status, veteran status, or political affiliation. An EEO employer initiates action to see that equal employment opportunities are realized. ([See also AFFIRMATIVE ACTION](#))

E-RATE

The Schools and Libraries Program commonly called E-rate provides discounts for internet access and other services to eligible public libraries. The Universal Service Administrative Company (USAC) administers the Schools and Libraries Program under Federal Communication Commission (FCC) oversight. Funding for the Schools and Libraries Program comes from Universal Service Contributions from telecommunications carriers.

For more information go to: <http://www.universalservice.org/sl/>



EXEMPTION FROM FEDERAL EXCISE TAX

Public libraries are exempt from federal excise tax as a political subdivision under Internal Revenue Code [\(IRC\) 4253 \(i\)](#). No forms are available for this exemption, so it is recommended by the Internal Revenue Service that a letter stating this exemption be prepared on library letterhead, signed by the current library board chair, should the library be confronted with a question regarding a federal excise tax exemption.

EXEMPTION FROM INCOME TAX

Public libraries in Kansas are exempt from income tax because they are a political subdivision of state or local government.

Shirley A. Moses, Director of the Division of Accounts and Reports, Kansas Department of Administration, wrote in 1997: *"...contributions to state and local governments (municipalities) are deductible as charitable contributions for income tax purposes. See Chapter 26 "Contributions" of IRS Publication 17, Your Federal Income Tax. Kansas income tax law closely conforms with federal law in this area, so these contributions are deductible for Kansas income tax as well. . . from time to time, we hear from a municipality that a citizen is willing to make a contribution, but - because the citizen wants to ensure that the contribution will be deductible - will ask the municipality to first obtain an IRC 501(c)(3) designation as a not-for-profit public charity... it is... unnecessary because the IRC has already provided for the deductibility of the contribution. Contributions to a municipal library . . . are treated the same way". (Municipal Accountant's Bulletin, LVIII-18, November, 1997)*

Some major donors require a copy of the Internal Revenue Service (IRS) exemption letter before a donation or gift is made. For this reason, libraries may wish to obtain 501(c) (3) status even though they are tax exempt, and donations to the library are deductible, without it.

This qualification for exemption is verified by a Revenue Ruling of the IRS, published in the Internal Revenue Cumulative Bulletin 1974, January-June, Section 501, p. 126, Rev. Ruling 74-15.

Important - the ruling also states that "Even though an organization considers itself within the scope of this Revenue Ruling, it must file an application on Form 1023, Application for Recognition of Exemption, in order to be recognized by the Service as



exempt under section 501(c)(3) of the Code. The application should be filed with the District Director of the Internal Revenue. Form 1023 may be obtained online.”

It will strengthen your application if you include a copy of the Rev. Ruling 74-15 in your mailing to the District Director.

IRS Form 1023 is complicated and intimidating. Have patience with it, and complete the information which applies to your library organization. The application asks for articles of incorporation. For this, use a copy of the K.S.A. statute under which your library is established.

Public libraries and regional library systems:

- as a political subdivision of the state, and
- as an organization operating for literacy and educational purposes as defined by Section 501(c) (3)-1 of the IRS Code.

Documentation to verify this qualification for exemption should be cited as:

- copy of the state statute under which the organization is established;
- Revenue Ruling 74-15, 1974-1 C.B. 126, amplified by
- Revenue Ruling 60-348, 1960-2 C.B. 172

And further defined by:

- Commerce Clearing House. Standard Federal Tax Reporter. IRS Code Volume 1, Section 170(c), p. 4141-5. “Charitable Contribution Defined-For purposes of this section, the term ‘charitable contribution’ means a contribution or gift to or for the use of (1) a state, a possession of the United States, or any political subdivision of any of the foregoing . . . but only if the contribution or gift is made for exclusively public purposes.” (The IRS Code section referring to a political subdivision cites this Commerce Clearing House (CCH) definition.)

Kansas Internal Revenue recognizes that a tax-exempt organization under IRS 501(c) (3) is also exempt from state income tax and is a charitable, not-for-profit organization.

Additional documentation which the IRS has required in recent years has been evidence that the public library is organized as a not-for-profit organization. Some libraries have been unable to produce a document stating that it is not for profit. Working in conjunction with the IRS in Washington, the State Librarian has prepared a



form which has resolved this issue satisfactorily in numerous instances. A sample of that form, which reorganizes the public library board as a not-for-profit organization, may be found in *Appendix H*.

EXEMPTION FROM PROPERTY TAX

All real and tangible personal property regularly used exclusively for public library service is exempt from all property or ad valorem taxes levied under Kansas law ([K.S.A. 79-201a](#)).

EXEMPTION FROM SALES TAX

Public libraries and regional library systems are exempt from payment of Kansas sales tax upon their purchases under authority of [K.S.A. 79-3606\(b\)](#), which states: “All sales of tangible personal property or service, including the renting and leasing of tangible personal property, purchased directly by the State of Kansas, or a political subdivision thereof”

Libraries should obtain a tax exemption certificate from the Kansas Department of Revenue. For more information and to apply for this certificate, go to <https://www.ksrevenue.org/prpecwelcome.html>. Libraries will need to provide a copy of their tax-exempt certificate to vendors in order to avoid sales tax.

An additional exemption, this one on items sold rather than items purchased, is found in [K.S.A. 79-3606\(ooo\)](#). Often known as the “Friends exemption”, this provision exempts sales made by a public library or by a not-for-profit organization whose purpose is to raise funds for or provide services to a public library.

F



FACSIMILE SIGNATURE

A person who has been authorized to sign all checks may obtain a facsimile signature. The signer certifies under oath that this facsimile signature will be used under legal authorization only and that any abuse of this legal authority is punishable by law.

The authority of persons to sign checks is governed by [K.S.A. 10-803](#). Checks are to be signed by the library board chair and the library board secretary. The secretary's signature is required to certify that the signature or facsimile signature of the chair is valid. There is no requirement for the treasurer to sign checks, but there is nothing in the law to prevent three signatures.

The facsimile signature has the same legal effect as an original signature. Forms necessary to obtain a facsimile signature are available from the Kansas Secretary of State. It is legal to use facsimile signatures on library checks; however, at least one original signature must appear on all checks.

It is also legal to use facsimile signatures on public securities (such as a bond); however, again at least one original signature must appear.

FAIR LABOR STANDARDS ACT

The Fair Labor Standards Act (FLSA) was adopted in 1938 with a core provision that employers pay overtime compensation to employees working over a specified number of hours (usually 40) per work week, unless the employees are exempt. In 1986, the wage and hour provisions of the FLSA was extended to state and local governments. To avoid violating FLSA overtime pay requirements, local public libraries should be aware of the two categories of tests to determine whether employees qualify for exemptions: the duties test and the salary basis test.

The duties test is an examination of the actual work that the employee performs, as opposed to the employee's job description. For instance, an employee's position might be professional, but if he or she is doing a larger percentage of clerical or office work than the percentage of work within his or her profession, then the exemption does not apply. Library directors of small libraries, for instance, generally perform such duties as checking books in and out, reshelving books, answering the telephone, etc. Unless their primary duties are executive, administrative, or professional, these directors are not exempt from the FLSA.



The salary basis test requires that all exempt employees be paid “on a salary basis,” where a salary is defined as a predetermined weekly amount of pay regardless of quality or quantity of work actually performed. The combination of these two tests determine whether an employee is exempt from the wage and hour provisions of the FLSA.

The FLSA requires time-and-a-half overtime payment for hours worked beyond the 40-hour or otherwise established workweek. This payment can be made through monetary means or with compensatory time off work. The work week is any seven-day period defined by the employer

Non-exempt employees may not waive their rights under the law. This means that unless an employee, including the library director is exempt, all time spent on library work must be compensated. Additional time may not be donated.

The FLSA does not mandate breaks, vacations, or sick leave. These are determined by the library personnel policy.

For further information about the FLSA, see <https://www.dol.gov/whd/flsa/>.

FEDERAL DEPOSITORY LIBRARIES

The University of Kansas library is a regional, congressionally designated, full depository library and receives 100% of all federal depository items. Kansas State University is a voluntary full depository and receives more than 90% of all federal publications. The Kansas State Library is a partial depository library and receives about 39% of all depository publications.

Other libraries in Kansas are partial depository libraries of varying degrees. Depository collections are located in these institutions: Baker University, Benedictine College Colby Community College, Dodge City Community College, Emporia State University, Fort Hays State University, Hutchinson Public Library, Johnson County Library, Kansas City Community College, Kansas State Historical Society, Kansas Supreme Court Law Library, Pittsburg State University, Wichita State University, and the law libraries at the University of Kansas and Washburn law schools.

FEDERAL FUNDS

[\(See LIBRARY SERVICES AND TECHNOLOGY ACT\)](#)



FIXED ASSET RECORDS

All municipalities and their subdivisions are required to keep an inventory of all fixed assets (furniture, equipment, etc.). Exceptions are municipalities whose aggregate annual gross receipts are less than \$275,000 (some third-class cities). A library's auditor, or the city or county clerk will have more information.

FOUNDATIONS

Foundations are organizations to provide funds for the support of a library. It is a means of fundraising to supplement the tax levy which should be the chief source of library income. Foundations are usually incorporated as not-for-profit organizations through the Kansas Secretary of State. They will have board and/or trustees to oversee the dispersion of foundation funds to the library board. They often receive an IRS 501(c)(3) exemption to secure funds that public libraries may not obtain when that exemption is required ([see also ENDOWMENTS](#); [EXEMPTION FROM INCOME TAX](#); [GIFTS AND GRANTS](#); [INVESTMENT OF FUNDS](#)).

FREE ACCESS VS. FEE ACCESS TO LIBRARY SERVICE

The State Library is recurrently asked to identify the legal or regulatory basis for public policy on free access to library information services which can be used by a local library board for guidance in the development of local policy. The following citations give these identifications. Awareness of law and regulation is only an important part of an understanding of the concept of, and the necessity for, free and equal access to information through the institution of the publicly supported library. The citizen's unimpeded access to information is a fundamental principle of a democratic society. Our political system relies on an informed electorate; libraries are the providers of the most reliable of the necessary information. Library information services are an important part of the foundation upon which the principle of equal access to education for all citizens is based. Information fees disrupt equal access to information and they are discriminatory against the poor. Legal basis for library policy can be found at:

- [Kansas Administrative Regulation 54-1-8](#).
 - "Provision for free service. Libraries participating in a regional system of cooperating libraries shall permit any citizen of the territory comprising the system to borrow materials or receive services without charge, subject to reasonable library rules."
- [Kansas Statutes Annotated 12-1227](#).
 - "Use of library; rules and regulations. Every library established under, or governed by the provision of this act shall be free to the use of the



inhabitants of the municipality in which located, subject always to such reasonable rules and regulations as the library board may adopt, and said board may exclude from the use of said library any and all persons who shall willfully violate such rules. The library board may extend the use and privilege of such library to nonresidents of the municipality and may make exchange of books with any other library upon such terms and conditions as said board may from time to time by its regulations prescribe.”

- American Library Association. ALA Handbook of Organization. Positions and Public Policy Statements, [B.4.2 Free Access to Information](#).
 - “The American Library Association asserts that the charging of fees and levies for information services, including those services utilizing the latest information technology, is discriminatory in publicly supported institutions providing library and information services.”

“The American Library Association shall seek to make it possible for libraries and information service agencies which receive their major support from public funds to provide service to all people without additional fees and to utilize the latest technological developments to insure the best possible access to information and ALA will actively promote its position on equal access to information.”

FRIENDS OF KANSAS LIBRARIES

Friends of Kansas Libraries (FoKL), encourages and supports new and existing local Friends groups, facilitates the exchange of useful information among organizations of Friends, and advocates for excellent library service. FoKL membership includes both individuals and organizations such as local Friends groups. For more information go to <https://www.fokl.net/>.

FRIENDS OF THE LIBRARY

A Friend of the Library organization is a group of citizens who are associated on behalf of a library or libraries. The primary purpose of a Friend of the Library organization is to be of service to the library and to the community. The major activities of local Friends groups sometimes differ from community to community, but they generally include such things as these:

- Money - Fund-raising activities for a major project (such as a new building) or for continuing needs (new materials, equipment, etc.)



- Services - Volunteer efforts in support of activities, which the library could not otherwise provide, such as delivery of materials to homebound patrons.
- Public Relations - Telling others in the community about the library and its services.
- Advocacy - Serving as a citizen lobby, speaking in support of its efforts to local, state, and federal governing bodies.

Some examples of Friends activities in Kansas are book sales; film programs; sponsorship of speakers; soliciting gifts, bequests and memorials; providing funds for staff development activities; assisting with story hour or other children's programs; and telephone surveys on library use.

Library Friends groups differ from public library boards in their roles and responsibilities, although both are groups of citizens interested in libraries. Many Friends groups and boards send a regular observer or liaison to each other's meetings. Regular communication between the two groups is essential, as is a clear understanding of the duties and responsibilities of each.

An organized lay group, such as the American Association of University Women (AAUW) or a local service club can inaugurate a Friends group through expansion of its existing committee on civic improvement or community affairs. The mayor, the library director, or the library board may invite public-spirited citizens to form a study group and initiate a Friends movement.

An individual may provide the original impetus for any of these methods, or may simply call together a pre-organizational meeting of like-minded citizens who require no sponsoring agent. Friends of Kansas Libraries (FoKL) provides start-up grants and other assistance to libraries wishing to form a local Friends group.

The strongest Friends groups, however, are those, which anticipate close cooperation with other community groups including local government and with the professional library staff. Friends should have knowledge of the political process and work with library board members in presenting opinions to lawmakers (see [ADVOCACY](#)).



FUNDRAISING

We cannot expect fundraising to provide the basis for library operations, but it is clear that for anything extra the library board, Friends and community must find other sources of revenue beside the tax base.

Fundraising is the collection of money or other resources for a specific purpose. The success of any fundraising event is the result of well laid plans. From the smallest book sale to the largest endowment, supporters of public libraries in Kansas conduct fundraising efforts to augment library budgets. Assessing the needs for additional funding is essential for planning. There should be a mission statement for the fundraising plan which states the goals and objectives of the effort. There should be long range as well as short range goals and objectives. The plan should be clear, direct, and precise so that everyone is aware of his or her exact roles. The fundraising plan should indicate that the effort is worthy and necessary. All participants must have confidence in the project. It must be people-oriented because people do not always give to institutions, but people always give to people. Recognition after contributions is a must; thank you notes are a major element of fundraising and should always include a report on the success of the project.

Sources of income for fundraisers cover about four basic divisions. One which an increasing number of libraries are considering is endowments or investments. A source of continued funding with a minimum of fundraising events is an endowment. In some communities, people who have been active in library concerns have left a sum in their wills to the local library. The funds are to be invested and the interest used either as indicated by the donor or freely as decided by the library board.

The second and most important source of funds comes from private sources - gifts or grants by individuals, foundations, or corporations.

The third way of fundraising is the one libraries are most accustomed to using since it entails no formal structure. Memberships and sales of goods are all familiar tools of groups like libraries. Friends require membership dues; Book sales, bake sales and other sales and/or auctions are popular fundraisers for many communities. An event to raise funds for a special project sometimes constitutes a major social event for a small community.



A library that has an active Friends group is lucky indeed. Everyone who has ever been involved in a traditional type of fundraising knows just how hard it is. The challenge that faces virtually every library is to find new, clever and imaginative ways to raise even more money for your library ([see also ENDOWMENTS](#); [FOUNDATIONS](#); [FRIENDS OF THE LIBRARY](#); [GIFTS AND GRANTS](#); [INVESTMENT OF FUNDS](#)).

G

GIFTS AND GRANTS

All public libraries in Kansas are authorized to receive all grants and gifts allocated to the library. [K.S.A. 12-1225\(h\)](#) authorizes the library board to hold, invest, or reinvest the gift and any income derived from the gift. Since this provision specifically mentions such income as dividends, interest, and rent, libraries have implied authority to invest gifts in ways usually not open to public funds, such as stocks, bonds, and real estate. [K.S.A. 12-1225\(j\)](#) allows the library to place the gift money in a special fund separate from tax levy money. [K.S.A. 12-1225\(g\)](#) and (for district libraries) [12-1248](#) allows the library to accept grants.

H



HANDICAPPED

[\(See AMERICANS WITH DISABILITIES ACT\)](#)

HEALTH INSURANCE

[\(See EMPLOYEE BENEFITS\)](#)

HOME RULE

In addition to the power to pass ordinary ordinances “to determine their local affairs and government,” the “home rule” amendment of the Kansas Constitution also grants cities, the power to pass charter ordinances. Counties have been given similar authority by state statute ([K.S.A 19-101a](#)) to pass home rule charter resolutions. However, counties may not use home rule authority to exempt from or effect changes in the provisions of these statutes related to libraries: [K.S.A. 12-1223](#), [12-1225](#), [12-1225a](#), [12-1225b](#), [12-1225c](#) and [12-1226](#), and amendments thereto, or the provisions of [K.S.A. 12-1260 through 12-1270](#) and [12-1276](#), and amendments thereto.

Townships and district libraries do not have home rule authority.

Power of charter ordinances

A charter ordinance is necessary only when the provision of a proposed ordinance will be in conflict with a state law on the same subject. Any city may by charter ordinance, or county by charter resolution, elect not to be bound by the whole, or any part, of any state legislation if the legislation does not apply uniformly. This applies to the statutes regarding establishment and maintenance of city and county libraries, for example, in which statutes are not uniform for all cities and counties.

A city may use a charter ordinance to make virtually any change in the governance and funding of a city public library, including the powers and responsibilities of library boards. (Counties generally are not allowed to alter the status and powers of the library board and board treasurer through a home rule charter resolution.) Therefore, a charter ordinance may either strengthen the library or challenge the library board’s authority, dependent upon the specific charter ordinance adopted.



In the past home rule charter ordinances were frequently used to provide libraries additional funding. However, library levy limits have now been removed from Kansas statutes for almost all libraries. A charter ordinance is currently needed only to revise a limit imposed in an existing charter ordinance. Without revision, existing charter ordinances may in fact limit the ability of libraries to increase tax levy rates.

Another common reason why a library board might request a charter ordinance is to permit appointment to the library board of persons who reside outside of the city.

[The Constitution of the State of Kansas, Chapter 12, Sec. 5](#), as well as [K.S.A. 12-137](#) and [K.S.A. 19-101 through 19-101\(c\)](#), provides for adoption of home rule for all cities and counties and gives the exact wording and procedure of the proposition to be used when a general election is called for to vote on home rule.

How to Obtain Home Rule

If the library wishes to seek a charter ordinance or resolution, here are five steps to obtaining a home rule charter ordinance:

- The library board requests the governing body of the municipality to enact a local home rule charter ordinance. The library board must have good justification for this and explain clearly and thoroughly the reasons for such a request;
- If approved by two-thirds of the membership of the governing body, a charter ordinance is prepared, stating the purpose of and manner in which the ordinance varies from Kansas library statutes;
- The ordinance is then published once each week for two consecutive weeks in the official newspaper;
- Unless a petition opposing the charter, ordinance signed by not less than 10 percent of the voters who voted in the regular city election is not received within 61 days after the last publication of the ordinance, it becomes law.
- If a properly signed petition is received before the 61-day waiting period is up, then an election may be called. It must be called within 30 days and held within 90 days after filing of the petition. If the city chooses not to call an election, the charter ordinance does not take effect.

It is recommended that publication of a charter ordinance be timed so that, in the event a sufficient referendum for petition is filed, the referendum can take place as part of an otherwise scheduled election. The cost of a special election can have a negative public relations effect for the library. To allow ample time for both publications, the first



publication of the ordinance should occur no less than 77 days (11 weeks) before the deadline for inclusion of questions on the election ballot. The county election officer can help determine this deadline. The 11-week suggestion allows approximately a week after the expiration of the 61-day protest period. This should be sufficient for verification of a petition and ballot preparation.

If the library is opposed to a charter ordinance or resolution that is passed by its city or county, it may use the protest petition described above to require a public vote before the charter ordinance can take effect. It is usually not difficult to gather sufficient signatures with an organized petition effort.

Charter Ordinance Timeline:

- First charter ordinance publication
- Final charter ordinance publication: 7 days after first publication
- Petition waiting period: 61 days from final publication
- Election if required by protest petition: no more than 90 days after filing of petition.

Sample City Charter Ordinance can be found in Appendix C.

Sample County Charter Resolution can be found in Appendix D.



INCOMPATIBILITY OF OFFICE

No person except the mayor holding any office in city government shall be appointed a member of the library board while holding such office ([Attorney General Opinion, June 22, 1970](#)). In a letter dated March 7, 1960, the attorney general observed that the city attorney and member of the library board are incompatible offices, implying that even if the city attorney is not a paid position, the individual filling the position should not be appointed to the board. It is not an incompatible office for a spouse of a library staff member to be on the library board. Nor is it so for a county commissioner to be on the board of a city library in that county.

Another question that has been asked concerned whether a library staff person could serve as a member of the city council or commission. Nothing could be found that would prevent a library staff person from serving in an elective position not directly related to his or her employer. Since the library staff is employed by the library board and not the city, there appears to be no incompatibility of office for that person to be elected to the city council. To avoid potential conflict of interest on library-related issues, the library staff person elected to such an office should announce a possible conflict when any issue regarding the library board, library budget, or library operations is brought before the council, then remove him or herself from discussion and voting on that issue ([see LIBRARY BOARDS](#)).

INSURANCE PLANNING FOR PUBLIC LIBRARIES

In recent years, the trend for institutions that have unique and diversified insurance needs has been to operate under the concept of risk management. Public libraries fall into this category.

If the library is housed in a city building or is covered under the city's insurance plan, the library director needs to work with the persons who develop the city's insurance plan and be sure that the unique problems and needs of the library are properly covered under the principles of risk management.

If the library has its own separate insurance policy, the library director needs to choose an independent insurance agent or broker who is reliable and familiar with the concept of risk management. They will work together in applying the principles of risk management to the library's situation. These principles include the following:



- Assumes and self-insures against those losses which are so small as to present no financial problem, so remote that good business judgment justifies ignoring the risk, or occur with high frequency or reasonable certainty so that the total annual loss can be predicted (such as book loss by theft). The premium in such cases will probably exceed the predictable losses.
- Determines the risks of loss to which the library is subject.
- Reduces risk where possible (for example, do not keep large amounts of cash on hand, or install smoke detectors and alarms to reduce fire insurance premiums).
- Insures all other risks that can be insured.

Using these principles set up an insurance plan for the library. This plan should be subject to an annual review and update.

Types of Policies

There are two main types of policies needed to be considered in making a plan. Actual cash value policies cover the replacement cost less depreciation for the items covered. Replacement cost policies cover what it would cost to replace the item at current prices. The replacement cost policy is the one recommended because of inflation. Today it could cost half again as much to replace a table purchased five years ago.

Valuation and Inventory Process

One of the first steps is to find the value of the library's building and contents. The main areas that need to be considered in the valuation and inventory process are listed below.

- Building, contents, and fixtures that excludes books and other materials. When the annual review is done, be sure to note any improvements made to the building and new equipment purchased.
- Books and library materials (print and non-print) intended for patron use. The library may choose to use average values of books and other items to estimate replacement costs. Alternatively, the library may estimate the average cost of books and other materials based on its actual acquisitions costs. Be sure to include the cost of processing in this valuation estimate. The library may choose to insure replacement of less than 100% of its collection in order to limit insurance cost.
- Fine arts materials (rare books, paintings, etc.) need to have a "fine arts" floater added to the policy. These pieces are insured for a specific value based on the purchase price or on an appraised value set by an expert.



- Valuable records. The cost to reconstruct the records must be figured as well as the actual physical value.
- Electronic data. Most policies restrict recovery costs to the blank storage media or equipment. It is essential to back up data both onsite and in a remote storage location.
- Consumable supplies and materials (including janitorial supplies). Figure the current cost times the amount used for the present year.
- Property of others:
 - Things that are exhibited in or are on loan to the library. (There should be a written agreement with the owner regarding responsibility for insurance.)
 - For leased equipment, check the contracts to see who is responsible.
 - The policy should cover any items for which the library is responsible.

After the valuation process has been completed and documented, file duplicate copies of the report in some place outside the library, preferably with the insurance agent.

Policies

Insurance policies have some characteristics of which to be aware.

- Particular clauses—some particular clauses that should be a part of each policy are:
 - A coinsurance clause. This warrants to the insurance company that the library has insured the building and contents for up to 90% of either.
 - General liability coverage in the broadest form.
 - A directors and officers' liability clause that protects board members.
 - A blanket bond that covers all trustees and employees to the extent of exposure to theft and/or embezzlement.
 - Electronic equipment, hardware and software, will need to be covered separately.
- Risks and perils—in the past few year's policies have been written with all risks coverage. This means the policy covers everything except those risks and perils which are specifically named.

Certificate of Liability

If the library has any contract work done, the contractor should supply a Certificate of Liability that covers the firm if a claim for damages occurs. It should include a worker's compensation certification.



Release of Subrogation Agreement

If the library is housed in a rented or leased building, there should be a release of subrogation agreement. This agreement releases the owner of the building from any liability if his building is the cause of a fire that destroys the library's contents. In addition, the library gives up its rights to ask the building owner to cover any replacement costs. In turn, the building owner cannot sue the library employees if their actions cause a fire. The building owner cannot sue the library for loss of income following the fire. The building owner may require the library to maintain a fire legal liability policy on the building as part of the lease agreement.

INTELLECTUAL FREEDOM

(See [CENSORSHIP](#); [OPEN RECORDS](#))

INTERLIBRARY COOPERATION AND RESOURCE SHARING

Interlibrary cooperation and resource sharing involves the establishment, expansion and operation of local, regional, statewide and interstate cooperative library networks. The purpose of a network is to provide coordination of the resources of school, public, academic, special libraries, and information centers for improved supplementary services for the patrons of each type of library. A network may serve a community, metropolitan area, or region within the state or the entire state.

The Library Services and Construction Act (LSCA), Title III provided federal funds for planning and taking steps leading to the development of cooperative library networks and for establishing, expanding, and operating local, regional and intrastate cooperative networks of libraries.

The Library Services and Technology Act (LSTA) continues to provide federal funds which are combined with state general funds to help enhance and maintain such projects as the Kansas Library Catalog (KLC), access to other databases, and KICNET.

INTERNAL REVENUE SERVICE (IRS)

(See [EXEMPTION FROM INCOME TAX](#))

INVESTMENT OF FUNDS

[K.S.A. 12-1675](#) et seq. provides for the short-term investment of public monies by governmental subdivisions including public libraries. This statute was amended in 1997 and the amendments affected relationships between Kansas public libraries and their banks, savings and loan associations and savings banks, hereafter referred to as financial institutions. The amended statute covers two issues: 1) the requirement that all



municipalities complete formal agreements with their financial institutions, and 2) which financial institutions the municipalities can utilize.

The formal agreements, called the security agreements and the custodial agreements, are required to be in writing, and must include various provisions. The Kansas Bankers Association (KBA) has drafted sample agreements. Public libraries should be able to obtain these sample agreements through their local financial institutions, the KBA in Topeka or the Division of Accounts and Reports, State Department of Administration.

The second issue involves the question of which financial institutions Kansas municipalities can utilize. The financial institution must have a home office in Kansas-this codifies [Attorney General Opinion 95-39](#). If eligible financial institutions cannot or will not provide an acceptable bid for banking services, the municipalities may contract with financial institutions that do not have home offices in Kansas.

Those restrictions apply to public (tax) funds. However, library boards are given unlimited flexibility in the investment of gift funds by [K.S.A. 12-1225 \(h\)](#): (“Library boards shall have the following powers and duties) to receive and accept any gift or donation to the library and administer the same in accordance with any provisions thereof. If no provisions are specified, the board shall have the power to hold, invest or reinvest the gift and any dividends, interest, rent or income derived from the gift in the manner the board deems will best serve the interests of the library.”)

[K.S.A. 12-1678\(a\)](#) requires that five payments will be made to taxing subdivisions including public libraries and regional systems each calendar year. All monies received by the county as interest upon the investment or undistributed taxes and not paid to the public library or regional system shall be retained by the county treasurer and paid into the county general fund. Because the Public Services Team, Division of Accounts and Reports has recommended that distribution be made as soon as the governing body receives the tax distribution, there usually should be little or no tax money collected for public libraries or regional systems left for counties to invest. Libraries and systems are not entitled to a share of such interest money. ([See also BUDGET—Distribution of Funds; CAPITAL IMPROVEMENT FUND](#))

K



KANSAS CENTER FOR THE BOOK

The mission of the Kansas Center for the Book is to stimulate public interest in the educational and cultural role of the book; authorship and writing; literacy; and the promotion of reading and libraries.

The Kansas Center for the Book is a state affiliate of the Center for the Book in the Library of Congress. The Kansas Center for the Book affiliated with the national Center for the Book in 1987, and was hosted and headquartered at the Topeka and Shawnee County Public Library from then until 2005, when it moved to the State Library of Kansas. It is now a non-profit, tax-exempt program of the State Library.

While the Kansas Center for the Book is headquartered at the State Library of Kansas, it is not so much a location as an ideal. The Kansas Center for the Book intends to be the center of the promotion and fostering of the printed word in our state. It is our Center for the Book.

Kansas Reads to Preschoolers

Kansas Reads to Preschoolers is an annual event that promotes reading to all Kansas children from birth through age five. Through the statewide program, parents, librarians and caregivers are encouraged to read the chosen title during November. The program is sponsored by the State Library of Kansas and usually occurs in November of the given year. The First Lady is asked to serve as the sponsor of this event and has served as the reader at the "kick-off" event of this week. A local dignitary usually serves as the reader at the "kick-off" event.

Kansas Notable Books

Kansas Notable Books is an annual recognition of 15 outstanding books by Kansans or about Kansas.

National Book Festival

The Pavilion of the States, sponsored by the Institute of Museum and Library Services, salutes the literary traditions of the 50 states, the District of Columbia, and the U.S. territories. A brochure available in this pavilion, called "Discover Great Places Through Reading," offers a list of 52 great reads and a map for kids that encourages them to visit all 52 tables (plus the Library of Congress Center for the Book table) to get a unique sticker or stamp. Many of these books will be for sale in the Book Sales Pavilion.

KANSAS CHILDREN'S INTERNET PROTECTION ACT (KS-CIPA)



Kansas Children's Internet Protection Act (KS-CIPA) The act requires that any public library that provides public access to a computer shall implement and enforce technology protection measures to:

- Ensure that no minor has access to visual depictions that are child pornography, harmful to minors or obscene; and
- Ensure that no person has access to visual depictions that are child pornography or obscene.
- An employee of a public library may disable a technology protection measure if:
 - Requested to do so by a library patron who is not a minor; and
 - The technology protection measure is disabled only to enable access for legitimate research or other lawful purpose.
- The state librarian has established rules and regulations for the enforcement of the provisions of this act. These rules and regulations are posted on the State Library of Kansas website as the means of distribution to the public libraries in this state. Individual libraries are responsible for posting them in a conspicuous place in such public libraries and making them available to the public.
- The governing body of each public library shall adopt a policy to implement and enforce the provisions of this act in accordance with the standards and rules and regulations published by the State Librarian. Such policy shall be reviewed at least once every three years by such governing body and shall:
 - State that the purpose of the policy is to restrict access to those materials that are child pornography, harmful to minors or obscene;
 - Provide how such public library will meet the requirements of this act;
 - Require such public library to inform its patrons of the standards and rules and regulations that library employees follow to enforce the provisions of the act; and
 - Require such public library to inform its patrons that procedures for the submission of complaints about the standards and rules and regulations, the enforcement thereof, or observed patron behavior, have been adopted and are available for review.
- Any public library that is in compliance with the provisions of this act shall not be liable for any damages arising out of or related to a minor gaining access to visual depictions that are child pornography, harmful to minors or obscene through the use of a computer that is owned or controlled by the library.



KANSAS LIBRARY ASSOCIATION (KLA)

The growth of interest in libraries in the county districts and small towns of Kansas created a need for a state organization in which mutual problems could be discussed. Annie L. Diggs, state librarian from 1898 until 1902, issued an invitation to interested persons to meet in Topeka in April, 1900, for preliminary arrangements for a state organization. The first annual KLA conference was held December 27, 1900. Noted Kansas author Margaret Hill McCarter gave the opening address.

KLA sponsors an annual library conference in cooperation with the Kansas Association of School Libraries, a section of KLA. Beginning in 2013 that conference is held every fall.

These meetings provide an opportunity for members of the association to exchange ideas and information about improving library service. In addition, some of the KLA subdivisions may hold separate program meetings during the year.

The association contracts for the services of a legislative liaison to advocate for the association's legislative program and priorities.

The association represents all types of libraries in its activities. Its membership is composed of librarians, trustees and interested citizens.

KANSAS LIBRARY NETWORK BOARD

The Kansas Library Network Board (KLNB) was established in 1981 to develop statewide interlibrary cooperation and resource sharing. The KLNB functioned as a program of the State Library of Kansas. The KLNB used LSTA funds to improve information access for Kansas citizens by promoting resource sharing among all types of libraries. Some of the KLNB projects were KANFAX, the Pony Express courier system, online database searching grants for school libraries, community information grants, and Blue Skyways.

In 2007 the KLNB was dissolved and merged with the State Library of Kansas Board.

KANSAS PUBLIC EMPLOYEES RETIREMENT SYSTEM (KPERs)

[*\(See EMPLOYEE BENEFITS\)*](#)

KANSAS PUBLIC LIBRARY STATISTICS

Kansas public library statistics are reported annually in January through the “Counting Opinions” online reporting system. Libraries must complete the statistical survey in



order to be eligible for State Aid. Statistical data is compiled and made available on the State Library of Kansas website.

KANSAS TALKING BOOK SERVICE

Library services for Kansans who are unable to read or use standard printed materials as a result of temporary or permanent visual or physical impairment are provided through the Kansas Talking Book Service. The Talking Book Service operates the State Library of Kansas Regional Library in Emporia, Kansas.

The Talking Books service provides:

- Books and magazines available in audio format, as well as the playback equipment needed to enjoy them. Library materials are sent through the mail to our patrons, wherever they reside.
- Downloadable talking books using a special reader that reads books downloaded onto a flash drive.

The Talking Book program is funded jointly by federal, state, and local tax dollars. All materials are loaned to readers at no charge. No postage is necessary to mail library materials to and from Talking Books.

Talking Books continues to place an emphasis on patron service by providing Kansas Talking Book Outreach and Promotion Services in several Kansas locations.

For more information, contact:

State Library of Kansas
Kansas Talking Books
1200 Commercial, Box 4055
Emporia, KS 66801

E-mail: KTB@library.ks.gov

Phone: 1-800-362-0699 (toll free in Kansas and surrounding states) or 1-620-341-6280 (outside of Kansas and surrounding states)

Braille Library

The State Library also contracts with the Utah State Library to distribute Braille materials.

KANSAS TRAVELING LIBRARIES COMMISSION



Kansas was one of the pioneers in the adoption of a “traveling library,” whereby books were provided to communities which did not have public libraries. Thus, for many years, the State Library had a direct involvement with the local communities in Kansas.

The movement for traveling libraries (50 books constituted a “library”) was begun by women’s clubs in May, 1897. In May, 1899, the Kansas Traveling Libraries Commission (KTLC) was organized and the materials were transferred to the Commission from the Social Science Federation.

The traveling libraries proved to be a popular enterprise in many Kansas communities and in many cases served as the only means of bringing library materials to the citizens.

In 1949, the KTLC was designated as the Kansas agency to enter into agreements with the federal agency for funds which might be made available for library services or demonstration projects. In 1957, the powers of the KTLC were enlarged to establish areas, branches, or service centers to facilitate rural library service.

The KTLC was directed to provide leadership, give advice, and aid the management of county and regional libraries, as well as to enter into contracts to provide demonstration libraries and assume responsibility and control of any contractual projects when state or federal funds were provided.

Demonstration projects - partially funded with the first monies made available through the Library Services Act of 1956 - were conducted in several counties, with a regional library district being established as a result. Under the auspices of the KTLC, studies were made of libraries for the purpose of furthering cooperation among libraries; training courses for librarians and trustees were conducted; long term loans of materials were made; bookmobiles were obtained; and new book collections were acquired. Staff members visited many local libraries to offer technical and professional assistance.

The KTLC was abolished on July 1, 1963, and all of its books, papers, records and other property that it owned were transferred to the Kansas State Library. This move came about on the advent of the Library Services and Construction Act (LSCA), and the next year, 1964, a major library study was undertaken. The regional systems of cooperating libraries came about through the recommendations made by that study.

What had been the Kansas Traveling Libraries Commission became the Public Library Extension division of the State Library.



When the KTLC was abolished, the state legislature created a new commission - the State Library Advisory Commission, which remained in existence from 1963 until 2007, when it was replaced by the State Library of Kansas Board.

KPERS

[\(See EMPLOYEE BENEFITS\)](#)

L

LEASE-PURCHASE AGREEMENTS

Libraries sometimes make major equipment acquisitions or capital expenditures using lease-purchase agreements. These agreements are governed by [K.S.A. 10-1116\(c\)](#). This statute establishes conditions under which municipalities, including public libraries, are allowed to enter into lease-purchase contracts and requires certain data to be included in the contracts.

If the proposed agreement is for a time period exceeding the library's fiscal year, it shall be approved by a majority vote of all members of the library board.

If the proposed agreement is for the acquisition of land or buildings, it must be approved by the municipal governing body. If the agreement for land or buildings is for three or more years and provides for payments in any single year more than 3% of the total amount budgeted by the library board during that year, a notice specifying the purpose and total of all payments must be published once each week for two consecutive weeks in the official newspaper. A 30-day waiting period is then required; if a petition in opposition to the agreement is signed by 5% of the qualified voters is filed an election must be held to approve the contract.

If the proposed agreement is for a time period beyond the current fiscal year, the contract must specify:

1. the amount required to purchase the item if paid in cash;
2. the annual average interest cost;
3. the amount included in the payments for service maintenance, insurance or

other charges other than capital cost and interest.

Municipal budgets require a report of all lease-purchase agreements for more than one year. Data required in these reports include:

1. the outright purchase price,
2. the interest rate,
3. the total of all contract payments, and the annual required payments.



All contracts for lease-purchase should include this information, and if they do not the vendor should be asked to provide a contract addendum listing it. If you hit problems in this area, consult with your municipality's attorney.

LEVY

(See [BUDGET: PUBLIC LIBRARIES](#))

LIABILITY - INSURANCE- needs to go to AG

Library liability falls into numerous categories, but two of the most frequently asked about involve liability for facilities and liability for boards.

Liability insurance coverage varies with each public library. In some municipalities, all governmental entities, including library buildings or facilities, are included within the municipality in its insurance coverage. Other public libraries must pay their own liability insurance coverage for buildings and boards. Insurance companies should be contacted so that it is clear whom and what is covered, and policies should be re-examined annually to be sure that coverage is what is needed by the library. In addition to the insurance company, the municipality's attorney should be familiar with the Kansas Tort Claims Act. ([K.S.A.75-61](#))

Liability of the appointed library board, all members of which are volunteers, is covered under [K.S.A. 60-3601](#) and also [K.S.A. 75-6102](#).

[K.S.A. 60-3601](#) discusses immunity of volunteers to nonprofit organizations. [K.S.A. 75-6102](#) provides that a member of appointed board acting within the scope of his or her office and without fraud or malice shall not be liable for negligence or wrongful act or omission. These Kansas statutes minimize the possibility of any board member being personally sued. However, [K.S.A. 12-1223](#) specifically states that the board as a whole can sue and be sued. Therefore, the board itself can be held liable. Public library boards in Kansas handle liability insurance generally in one of two ways. In some instances, the

municipality includes the library board under its liability insurance. In others, the board must make provisions in the budget to cover the costs of liability insurance.

LIBRARY BILL OF RIGHTS



The American Library Association (ALA) affirms that all libraries are forums for information and ideas, and that the following basic policies should guide their services:

1. Books and other library resources should be provided for the interest, information, and enlightenment of all people of the community the library serves. Materials should not be excluded because of the origin, background, or views of those contributing to their creation.
2. Libraries should provide materials and information presenting all points of view on current and historical issues. Materials should not be proscribed or removed because of partisan or doctrinal disapproval.
3. Libraries should challenge censorship in the fulfillment of their responsibility to provide information and enlightenment.
4. Libraries should cooperate with all persons and groups concerned with resisting abridgment of free expression and free access to ideas.
5. A person's right to use a library should not be denied or abridged because of origin, age, background, or views.
6. Libraries which make exhibit spaces and meeting rooms available to the public they serve should make such facilities available on an equitable basis, regardless of the beliefs or affiliations or individuals or groups requesting their use.
7. All people, regardless of origin, age, background, or views, possess a right to privacy and confidentiality in their library use. Libraries should advocate for, educate about, and protect people's privacy, safeguarding all library use data, including personally identifiable information.

Adopted June 19, 1939, by the ALA Council; amended October 14, 1944; June 18, 1948; February 2, 1961; June 27, 1967; January 23, 1980; January 29, 2019.

Inclusion of "age" reaffirmed January 23, 1996.

LIBRARY BOARD

Once a library has been established, the official head of the municipality's governing body appoints library board members, or in the case of district libraries, a library board is elected. Acceptance of a position on the library board constitutes a public trust; therefore, care should be taken in appointment or election of trustees.



Selecting Board Members

Board members should represent a diversity of interests, have experience or knowledge in a variety of fields, and represent a cross section of the community in the areas of age and socio-economic levels.

A good trustee should have the following qualities:

- imagination, dedication and vision;
- understanding of the community, its needs and resources;
- knowledge of the community's leaders and organizations;
- interest in the library, its service, and capacity for growth and improvement;
- knowledge of the board's legal responsibility and authority;
- ability to devote time and effort to board meetings and activities;
- ability to work cooperatively with other board members;
- knowledge of public library laws and federal, state and local
- laws and regulations which concern libraries; and
- enthusiasm for carrying out new programs, including securing new funding sources for the library.

(See [Statutory Powers and Duties of the Library Board](#); *Trust of the Library Board*; *Functions of the Library Board*)

Library Board of a City Library

The library board of a city library consists of seven (7) members appointed by the mayor with the approval of the city council or commission ([K.S.A. 12-1222](#)). In addition to the appointed members, the mayor shall be an ex-officio member of the board, which means that by virtue of the office or position, the mayor is a member.

[Attorney General Opinion 79-94](#) states that the mayor may vote even though an ex-officio member. Ex-officio refers to one who is a member by virtue of title to a certain office and has the same rights, privileges, powers and duties as members duly appointed (see [CONFLICT OF INTEREST](#)).

Terms of city library board members must be staggered. The members first appointed shall be appointed as follows: one (1) member appointed for a term expiring the first

April 30 following the date of appointment; two (2) members appointed for terms expiring the second April 30 following date of appointment; two (2) members appointed for terms expiring the third April 30 following date of appointment; and two (2) members appointed for terms expiring the fourth April 30 following date of appointment.



Thereafter, upon the April 30 expiration of each term, successors will be appointed in a like manner to fill the vacancies created, and each member will serve a term of four (4) years. [K.S.A. 12-1222](#) states that a board member can serve two four-year consecutive terms on the board. No person who has been appointed for two (2) consecutive four-year terms to the library board shall be eligible for further appointment to the board until one (1) year after the expiration of the second term. [Attorney General Opinion 73-125](#) states that a person appointed to serve an unexpired term remains eligible for two consecutive four-year terms upon completion of the unexpired term.

As an alternative to the regular membership provisions, under [K.S.A. 12-1222](#) the city council or commission may opt to appoint ten members to the library board. When this change is made, six members are appointed for four years and four members are appointed for two years. Thereafter, in odd-numbered years, appointments or reappointments are made for four year terms. Thus, such a library board will have no terms expiring in even-numbered years, and either six or four terms expiring in odd-numbered years.

In some cases, city governments have exercised their home rule authority to change the provisions regarding the library board. For example, they may have increased or decreased the number of members and allowed for members who reside outside the city to be appointed.

Vacancies occurring on the board shall be filled by appointment by the mayor with the approval of the city council or commission for the unexpired term. Attorney General Opinion 73-368 states that when the governing body of a municipality contracts with an existing public library for library services, the contracting municipality is not entitled to representation on the library board of the existing library.

(Note: In the case of Kansas City Kansas Public Library, [K.S.A. 72-1419](#) and [72-1420](#) provide authority, power, duties and tax levies of the Kansas City Kansas Board of Education directors who act as the governing body of the Kansas City Kansas Public Library.)

Library Board of a Township Library

The township library board must consist of five (5) members appointed by the township trustee, with the approval of the clerk and treasurer acting as the governing body of the township ([K.S.A. 12-1222](#)). The township trustee shall be an ex-officio member of the



board which means that by virtue of the office of position the township trustee is a member. No person holding any other office in the township government shall be appointed as a member of the library board while holding such office. All appointed members of a township library board must live within the township limits.

Terms of township library board members must be staggered. The members first appointed shall be appointed as follows: one (1) member appointed for a term expiring the first April 30 following date of appointment; one (1) member appointed for a term expiring the second April 30 following the date of appointment; one (1) member appointed for a term expiring the third April 30 following the date of appointment; and two (2) members appointed for a term expiring the fourth April 30 following the date of appointment.

Thereafter, upon the April 30 expiration of the terms, successors will be appointed in a like manner to fill the vacancies created, and each member will serve a term of four (4) years. No person who has been appointed for two (2) consecutive four -year terms to the library board shall be eligible for further appointment to the board until one (1) years after the expiration of the second term (see opinions of the Attorney General under Library Board of a City Library, this section). Vacancies occurring on the board shall be filled by appointment by the township trustee with approval of the clerk and treasurer for the unexpired term.

[Attorney General Opinion 73-368](#) states that when the governing body of a municipality contracts with an existing public library for library services, the contracting municipality is not entitled to representation on the library board of the existing library.

Library Board of a County Library

The county library board must consist of five (5) members appointed by the chairperson of the county commission with the approval of the other members of the commission. (A change of [K.S.A. 12-1222](#) in 1985 allowed Johnson County Library to increase its number of board members from five to seven.)

In addition to the appointed members, the chairperson of the commission shall be an ex-officio member of the board which means that by virtue of the office or position the county commission chairperson is a member. No other person holding any office in the county government shall be appointed a member of the library board while holding such office.



All appointed members of a county library board must live within the county limits. Terms of county library board members must be staggered in the same manner as township library board members. Thereafter, upon expiration of the terms on April 30, successors shall be appointed to fill the vacancies created, and each member shall serve a term of four (4) years. No person who has been appointed for two (2) consecutive four-year terms to the library board shall be eligible for further appointment to the board until one (1) year after the expiration of the second term (see opinions of the Attorney General under Library Board of a City Library, this section). Vacancies occurring on the board shall be filled by appointment by the chairperson of the county commission and with the approval of the county commission for the unexpired term.

[Attorney General Opinion 73-368](#) states that when the governing body of a municipality contracts with an existing public library for library services, the contracting municipality is not entitled to representation on the library board of the existing library.

Library Board of a Regional Library

The library board of a regional library must consist of six (6) members appointed by the official head of each participating county or township, with the approval of the governing body ([K.S.A. 12-1232](#)). Each participating county or township shall be equally represented on the library board. In addition, the official head of each participating county or township shall be an ex-officio member of the board which means that by virtue of the office or position, the official head is a member. Except for the ex-officio members, no other person hold any office in a participating county or township shall be a member of a library board while holding such office.

Terms of regional library board members must be staggered. The members first appointed shall be appointed as follows: one (1) for a term expiring the first April 30 following date of appointment; two (2) for terms expiring the second April 30 following date of appointment; one (1) for a term expiring the third April 30 following date of appointment; and two (2) for terms expiring the fourth April 30 following the date of appointment. Upon the April 30 expiration of the terms first appointed, such succeeding members shall be appointed in like manner for terms for four (4) years. No person who

has been appointed for two (2) consecutive four-year terms to the library board shall be eligible for further appointment to the board (see opinions of the Attorney General under Library Board of a City Library, this section). Vacancies occurring on the board shall be filled by appointment by the official head of the participating county or township in whose area the vacancy has occurred.

Library Board of a District Library



The library board of a district library must consist of seven (7) members elected by the qualified voters residing within the library district ([K.S.A. 12-1236 et seq.](#)). After a library has been established, the county clerk will announce in the general circulation newspaper for two (2) consecutive weeks a meeting to be held of the qualified voters of the district. The purpose of the meeting is to elect the seven board members for the new library.

The qualified voters shall proceed to elect, by ballot, seven (7) members for the following terms: one (1) for a term expiring the first Tuesday in April of the year following the date of such election; two (2) for a term expiring the first Tuesday in April of the second year following the date of such election; two (2) for a term expiring the first Tuesday in April of the third year following the date of such election; and two (2) for a term expiring the first Tuesday in April of the fourth year following the date of election. Upon expiration of the terms of the first board of directors, their successors shall be elected for four -year terms at the annual meeting held in March. Vacancies occurring on the board shall be filled for the unexpired term by appointment made by the chairperson of the board, by and with the endorsement and approval of a majority of the remaining board members.

An annual meeting of all the qualified voters in the district must be held on the first Tuesday in March at either 2:00 pm or 7:30 pm. The purpose of the annual meeting is to elect persons to fill vacancies occurring on the board due to completion of terms, death, removal, or resignation.

The State Library has been asked how many times a person can be reelected to the board of a district library. The law is silent on this matter; apparently, a person could be elected and re-elected several times.

Expired Terms of Library Board Members

If a board member's term has expired but he or she has not yet been reappointed, there is a solution to the situation. [Attorney General Opinion 79-282](#) states that "Upon the expiration of their terms, members of a public library board may continue to serve as de

facto officials until such time as either their reappointment or the appointment of successors is approved. Any acts taken by them while in a de facto position are as binding on the public as if they were de jure members.”



Corporate Status of the Library Board

A library board constitutes a body corporate and politic ([K.S.A. 12-1223](#)) and possesses the usual powers of a corporation for public purposes. Under its legal name of “The Board of Directors of [name of municipality]” the board may contract, sue and be sued, and acquire, hold and convey real and personal property in accordance with the law. The acquisition or disposition of real property, however, is subject to approval of the governing body of the municipality - the city council or commission for city libraries; the county commission for county libraries; and the township board for township libraries.

Statutory Powers and Duties of the Library Board

[K.S.A. 12-1225](#) gives the powers and duties of all public library boards:

- To make and adopt rules and regulations for the administration of the library.
- With the approval of the governing body of the municipality, to purchase or lease a site or sites and to lease or erect a building or buildings for the use of the library. [[Attorney General Opinion 78-285](#) states that a library board has the authority to enter into a long-term lease for quarters for library operations, so long as the term of the lease is reasonable under all the facts and circumstances.]
- To acquire by purchase, gift or exchange, books, magazines, papers, printed materials, slides, pictures, films, projection equipment, phonograph records, and other material and equipment deemed necessary by the board for the maintenance and extension of modern library services.
- To employ a librarian and such other employees as are deemed necessary and to set their salaries.
- To establish and maintain a library or libraries and traveling library service within the municipality or within any other municipality with which service contract arrangements have been made.
- To contract with other legally established libraries or with the governing body of a municipality not maintaining a library for the furnishing of library service to its inhabitants, and to contract with any school board to furnish library service to any school library or to use the library facilities of the public school to supplement the facilities of the public library. [[Attorney General Opinion, November 13, 1964](#) states that county commissioners who wish to contract with an established library

for library service for their county, and wish to levy a tax to pay for the cost of this service, must levy the entire county area, not just a portion thereof.]

- To receive, accept and administer any state or federal grants given for the purpose of aiding or providing library service.
- To receive and accept any gift or donation to the library and administer it according to any provision which may be specified.



- To make annual reports to the State Librarian and the governing body of the municipality with statistical information for the preceding year, showing receipts and disbursements of all funds under its control, information relating to library materials acquired and on hand, number of library users, library services and other information as may be required.
- To place money received for library purposes from sources other than a tax levy in a separate fund or funds, unless otherwise specified by the grantor or donor.

Board Meetings

The library board shall meet annually and elect a chair, a secretary and a treasurer and such other officers as are thought necessary ([K.S.A. 12-1224](#)). The board shall fix the date and place of its regular meetings. Special meetings may be called by the chairperson or upon written request by a majority of the members ([K.S.A. 12-1224](#) and [12-1243](#)). The fixed day, time and place of meetings should be stated in the by-laws (See [BY-LAWS](#)). In order to conduct business at any meeting a quorum of the members must be present. State law defines quorum as one more than half the membership. For municipal libraries, the official head of the municipality (mayor, chair of the county commission, or township trustee) must be counted in calculating the quorum requirement ([Attorney General's Opinion 2013-19](#)). For example, a city library has seven appointed members and one ex officio member, the mayor. The total number of members is eight, and a majority of that is five.

New members to the board should be given a challenging orientation program which would cover the following topics:

- duties of the board;
- functions of the board compared to functions of the director;
- information about the library, such as legal basis, finances, physical facilities,
- policies, collection, staff, services and plans;
- the community - its historic, economic, education, social and political aspects - if these are not already known to the board member; and
- state and federal library laws and legislation.

All board members should attend board meetings. Except when the library director's salary or dismissal is being considered, the library director should attend board meetings. The meetings should follow the procedures outlined in Robert's Rules of Order.



An agenda should be prepared by the chairperson and the library director and given or sent to members prior to the meeting. The agenda should follow this pattern:

- roll call
- minutes of previous meeting
- correspondence and communications
- library director's report
- financial report
- report of standing and special committees
- unfinished business
- new business
- adjournment

No business except that for which the meeting was called may be transacted at a special meeting.

Open Meetings

State law ([K.S.A. 75-4317](#) and [75-4318](#)) specifies that all public library board meetings shall be open to the public and no binding action by the board shall be taken by secret ballot. The date, time, and place of the board meetings or an agenda for the meetings shall be provided to any person requesting this information (See [OPEN MEETINGS](#)).

Executive Meetings

If a formal motion is made, seconded, and carried, the board may recess at a specified time to a closed or executive meeting, provided no binding action shall take place during the closed door session and provided the purpose of the session is stated ([K.S.A. 75-4319](#)).

The motion to recess must include a statement of the justification for closing the meeting, the subjects to be discussed during the executive meeting, and the time and place at which the open meeting shall resume. This information must be contained in the minutes.

The law specifies that only certain subjects may be discussed during the closed meeting. Those which apply to libraries include: personnel matters; consultation with an attorney for the library which would be deemed privileged in the attorney-client relationship; matters relating to employer employee negotiations; confidential data



relating to financial affairs or trusts; and preliminary discussion relating to the acquisition of real property.

Minutes of Meetings

Because the secretary's minutes are the official record of board action, they should include:

- the purpose of the meeting (whether regular or special), the time, the place, those attending, and approval of the minutes of the last meeting
- complete record of official action taken by the board relative to the library director's report, communications, the treasurer's report, and all other business transacted
- record of adjournment (no business may be legally transacted following adjournment)

The secretary must record all motions exactly as stated and show whether adopted or rejected since this is the legal voice of the board, and only that information recorded in the minutes can be considered official. A regular procedure in recording motions should be followed. The following is a suggested form:

Mr. Jones moved and Mrs. Smith seconded that the board authorize the purchase of a self-check system as recommended by the library director. Yeas-Tarrant, Jones, Smith and Price. Nays-Archer and Thompson. Motion carried.

The secretary should also keep a note of when members arrive and leave during meetings in order to prove the existence of a quorum during the entire meeting. In addition, the secretary writes official correspondence of the board and keeps copies filed with the records.

Trust of the Library Board

Each library board has as its trust the establishment of policy for the maintenance and function of the local library. The gravity of the board's charge is expressed by the following responsibilities:

- assure the provision of adequate materials to fulfill the library's service role;
- establish and maintain the library as an information center for the community and provide access to optimum information systems and services;
- provide adequate funding for the space, staffing, equipment and materials needed for library programs and services;



- encourage and authorize a planning process which identifies community needs for library programs and services;
- encourage and develop ongoing trust, foundation and endowment funding, the income of which will enhance and supplement the library's ability to deliver programs and services;
- measure and evaluate the effectiveness of library programs and services;
- employ a qualified library director and provide for continuing development and evaluation of the director;
- provide competitive salaries, optimum work conditions, and ample continuing education opportunities for staff;
- encourage the participation of the library, its trustees and staff in professional associations and activities;
- ensure that services are delivered by a staff whose numbers are sufficient, who have been trained for positions occupied and who operate with appropriate and current job descriptions;
- provide adequate spaces and facilities for housing library materials and conducting library activities;
- maintain for all citizens access to library services and information;
- encourage and enable cooperation by the library with other community organizations, agencies and institutions;
- assure that all library services, programs, materials, and facilities are secured at reasonable cost and do not unnecessarily duplicate similar activities within the library's jurisdiction; and
- ensure that the library actively cooperates with other information agencies in the city, region, and state and interacts with worldwide resource sharing activities.

Functions of the Library Board

The board has a responsibility to maintain these standards and to fulfill the objectives of the library.

It is the board's responsibility to establish written policies, rules, and regulations to govern the library's operation, and safety. All formal actions of the board must be in writing and available to the public. Policies should cover at least the following facets of the library operation: personnel, materials selection, weeding of obsolete materials, public services, handling of complaints, continuing education, and use of meeting rooms and/or other library facilities.



Board members should be thoroughly familiar with Kansas library laws and any other state or federal laws, which affect library operations such as minimum wage, unemployment compensation, and criminal theft of library materials, employing such legal counsel as necessary.

Board members should be familiar with the role and function of the Kansas State Library, the Kansas Talking Book Service, and the regional systems of cooperating libraries.

Board meetings should be held regularly at a convenient time and place, in accordance with state law.

Board members, library staff, and Friends of the Library should actively participate in the legislative process to effect change that will benefit libraries.

Library boards must have complete authority, within legal limits, over the library's budget.

Boards have a responsibility to work for an increase in the tax rate when the existing levy proves inadequate; and they have a responsibility to budget up to the maximum permitted by law to support adopted library roles and programming.

Boards should encourage active participation in the regional library system in order to provide maximum library services to the residents of the community and to help produce those services which libraries, especially small libraries, cannot supply.

Boards are encouraged to budget continuing education funds and should encourage all levels of library employees to participate in the statewide continuing education plan, providing time off and compensation for attending training sessions.

Boards should participate in training programs for trustees within their regional library systems and within the state.

In the adequately funded library, the board should direct the allocation of budgeted funds in adequate proportions for services. Standards for Kansas Public Library Service provide some guidelines.



If it is impossible to allocate these proportions to the support of staff and materials, this should be a strong indication to the board that the library is not adequately funded. The availability of funding from gifts, endowments and other citizen supports should not be allowed to replace local taxing effort.

The board should promote community awareness of the library through a creative public relations plan which emphasizes the multiplicity of library services and resources in a variety of available public information outlets on a regular and frequent basis.

The board in consultation with local experts should develop a disaster preparedness plan, which includes procedures for emergencies such as fires, floods, and tornadoes. The board should ensure that all staff members are trained to implement this plan and that appropriate supplies, i.e., rechargeable flashlights, battery operated radios, and weather radios with audible alarms are always available for staff use.

Duties of the Officers

The Chair of the board, with the assistance of the library director, draws up an agenda for the board meetings, presides at meetings, guides discussion, and ensures coverage of the topics. The chair and secretary sign all contracts and checks (see [FACSIMILE SIGNATURE](#)).

The Secretary should record the proceedings of each meeting in a book provided for that purpose. The record of procedure should be read at the next meeting, corrected if necessary, and approved. Approval of the minutes should be noted. The secretary should sign the minutes of each meeting after they are approved. The secretary should also sign all contracts and checks (see [FACSIMILE SIGNATURE](#) and [Minutes of Meetings](#)).

The Treasurer of the board receives all tax funds from the treasurer of the municipality, as well as gifts and endowments given to the library. The treasurer of a library board must be bonded (see [BONDS OF LIBRARY BOARD TREASURER](#)).

[K.S.A. 12-1222](#) states that library board members shall receive no compensation for their services but shall be allowed payment for their actual and necessary expenses in attending meetings and in carrying out their duties as members.

Library Director



A competent and qualified library director shall administer library operations and assist the Library Board in reaching and maintaining standards and fulfilling the established mission of the library. It is the library director's responsibility to act as technical advisor to the board, recommending needed policies or adapting existing policies for board action, employing personnel and supervising and evaluating the work of staff and volunteers.

It is the library director's duty to maintain all written policies of the board, including but not restricted to the following facets of library operation: personnel, materials selection, withdrawal of obsolete materials, public services, handling of complaints, continuing education, and use of meeting rooms and/or other library facilities.

The library director should initiate a planning process to identify community needs for library programs and services. The director also implements suggestions and changes resulting from the planning process when endorsed by the board.

Regular reports which assist the board to measure and evaluate the effectiveness of library programs and services should be compiled by the library director. The director also has the responsibility to assure the timely preparation of regular reports required by the State Library, its regional system of cooperating libraries, officials of local government and the general public.

The library director should work with the board to develop and implement a creative public relations or library marketing plan. The library director must participate in preparation of an annual budget for the library in consultation with the board and should be ready to verify a current report of expenditures against the budget at each board meeting.

The library director should be thoroughly familiar with Kansas library laws and local ordinances which affect library operations. Through participation in professional associations and activities, the director should be aware of and support library legislation in the state and nation.

The library director should attend all board meetings other than portions of those during which the director's salary or tenure are discussed. The director may serve as secretary for the board, although the director cannot hold that office.



Library directors are encouraged to participate and to encourage other staff, volunteers, trustees, and Friends to participate in professional associations and activities.

Library directors should participate in the statewide continuing education plan. This should include attendance at training programs within their regional systems of cooperating libraries and within the state; providing information about, time off, and compensation for attendance for staff who desire to attend continuing education activities; and encouraging trustees, volunteers and Friends to attend similar activities. [Attorney General Opinion 73-125](#) states that the head librarian, who is employed by the board, should not be appointed as an official member of the board. Since the library board is empowered to hire and fire employees of the library and to fix their salaries, it is incompatible for an employee of the library to be a member of the library board.

LIBRARY MATERIALS THEFT / CRIMES INVOLVING PROPERTY

The law defines the condition under which long overdue library loans can constitute theft of property and can set the grounds for possible prosecution for misdemeanor theft in [K.S.A. 21-5804](#) – Crimes Involving Property.

The legislative intent in the wording of the law is to give library administrators a stronger basis for asserting a demand for the return of long overdue library materials. If a library administrator wishes to use the authorized wording in communications to a delinquent borrower, the statement can be that failure to return materials within 30 days following the overdue notice will constitute intent to deprive the library of property and constitutes grounds for prosecution for misdemeanor theft.

LIBRARY SERVICES AND TECHNOLOGY ACT (LSTA)

The Library Services and Technology Act (LSTA) is the only federal program exclusively for libraries. It is administered by the Institute of Museum and Library Services (IMLS).

The State Library is charged with allocating the funds to support statewide initiatives and may also distribute the funds through sub grants or cooperative agreements to public, school, academic, research and special libraries. There is a requirement for a state match, which helps stimulate approximately three to four dollars for every federal dollar invested.

The Library Services and Technology Act (LSTA) provides funds from the federal government for libraries of all types. Congress appropriates money for this program



annually and the amounts vary from year to year. LSTA replaces the Library Services and Construction Act (LSCA) that expired on September 30, 1996.

The IMLS has identified four purposes and six priorities for the use of LSTA funds.

Purposes:

1. Consolidate Federal Library Services
2. Improve Library Services
3. Cultivate an Educated and Informed Citizenry
4. Encourage Resource Sharing

Goals;

1. Expanding Services for Learning
2. Developing a Strong Technology Infrastructure
3. Providing Online Access to Materials
4. Developing Partnerships
5. Supporting an Educated and Informed Citizenry
6. Serving the Underserved

[Purposes and Priorities of the Library Services and Technology Act \(LSTA\)](#)

LOYALTY OATHS

[K.S.A. 75-4308](#) states: “Before entering upon the duties of his or her office or employment, each person to be employed by the state or any agency thereof or by any county, city or other municipality of the state including any school, college or university supported in whole or in part by public funds collected under any tax law of the state or any municipality thereof shall be required to subscribe in writing to the oath set out in [K.S.A. 54-106.](#)”

A library employee who is an employee of the city, county, or township would be subject to this requirement. “Municipality” is not defined for purposes of this section, but it has been defined generally as any political subdivision or public agency or instrumentality of the state.

LSTA

[\(See LIBRARY SERVICES AND TECHNOLOGY ACT\)](#)

M



MINIMUM WAGE AND MAXIMUM HOURS

[Kansas Minimum Wage and Overtime Law \(K.S.A. 44-1201 et. seq.\)](#) guarantees a minimum wage of \$7.25 for workers above the age of 18 years. Overtime pay is required after 46 hours of work in a work week. Employees and employers who are covered by the [Fair Labor Standards Act \(FLSA\)](#), which is federal law, are not covered by this law. For more information see [Wages FAQ](#).

Libraries are not required to pay minimum wage for services provided by independent contractors, but it is not legal to label library employees contractors to evade minimum wage requirements.

Libraries may use volunteers but paid employees may not work for the library as unpaid volunteers doing the same type of work for which he or she is employed. Paid employees must be paid for all time spent as part of their job responsibilities, including work-related training taken during regular working hours or required by the library to attend.

According to the U.S. Department of Labor, all units of local government, including public libraries, are covered by the minimum wage requirements.

For more information about Minimum Wage, please visit, (<http://www.dol.gov/>).

MOTOR VEHICLE TAX REVENUE (MV TAX)

Taxes on motor vehicles are collected when the license tags are renewed and distributed in proportion to the ad valorem taxes levied. The Motor Vehicle tax (MV tax) is an allowable source of revenue in a library’s budget when determining a library’s eligibility for State Aid.

MOUNTAIN PLAINS LIBRARY ASSOCIATION (MPLA)

The Mountain Plains Library Association (MPLA) is a twelve-state association of librarians, library paraprofessionals, and friends of libraries in Arizona, Colorado, Kansas, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oklahoma, South Dakota, Utah, and Wyoming. Its purpose is to promote the development of librarians and libraries by providing significant educational and networking opportunities.

MPLA offers members:



- Professional Development Grants
- Continuing Education Opportunities
- Awards
- Joint Annual Conference
- Newsletter
- Annual Report
- Membership Directory

For more information, please visit the MPLA website at <http://www.mpla.us/>.

MUNICIPAL ACCOUNTING

(See [*MUNICIPAL SERVICES TEAM, OFFICE OF THE CHIEF FINANCIAL OFFICER*](#))

MUNICIPAL BUDGETS

[*K.S.A. 79-2925 et seq.*](#) requires municipalities in Kansas to prepare an annual budget. These municipalities include cities of the first, second, and third class; counties; townships; school districts; and special districts including regional library systems, district libraries, regional libraries, and certain public libraries, which operate under separate statute. Once complete and adopted, the municipal budgets are submitted electronically to the county clerk of the municipality's home county. The county clerk in turn sends the budgets in electronic format to the Municipal Services Team with the Office of the Chief Financial Officer.

These budgets are different from those published in official newspapers. The newspapers publish budget summaries for the purposes of the meeting at which the municipal governing body approves the actual budget. The actual amounts and mill levies published may differ from those of the municipality or even the library's proposed budget.

Libraries sometimes ask, especially at State Aid time, why they did not receive the full mill levy that they requested. After approving the dollar amount in the board's budget, the municipal budget preparer may be required to reduce the tax burden of the taxpayers by such additional income as delinquent taxes, motor vehicle taxes, RV taxes, 16/20 taxes, and watercraft taxes. Therefore, for example, if the library requested two mills and discovered that, they received only 1.95; the reduction came by the requirement to lower the tax burden. However, the dollar amount should be the same.



The actual municipal budget is an extensive form sent to each municipality from Municipal Services and completed during late summer. It is an official municipal document subject to the Kansas Open Records Act, so a copy should be available at the municipal offices or online at:

<http://admin.ks.gov/offices/chief-financial-officer/municipal-services>

In addition to the municipality's general fund, special funds will be included in this document. [Attorney General Opinion 97-35](#) states that the municipality's library levy must be held separate from its general fund. This AGO reinforces [K.S.A. 12-1220](#) which says the library "tax shall be levied and collected. . . [and] shall be kept in a separate fund to be known as the library fund of such municipality."

The opinion also comments on the responsibilities of the library board treasurer to have oversight of the library's monies. This point is of importance and corrects the wrong information some municipal governing bodies have received that a library board and the board's officers are not adequately accountable for the public funds administered by the library in accordance with Chapter 12 of Kansas Statutes Annotated.

The municipal budgets of all public library parent municipalities are the sources of information used by the State Library to determine eligibility for State Aid.

MUNICIPAL SERVICES TEAM, OFFICE OF THE CHIEF FINANCIAL OFFICER

The Municipal Services Team provides customer service and educational outreach to local units of government across the state concerning such topics as the Cash Basis Law ([K.S.A. 10-1101 et seq.](#)), the Budget Law ([K.S.A. 79-2925 et seq.](#)), and the Municipal Audit Law ([K.S.A. 75-1117 et seq.](#)). The team works with cities, counties, townships, school districts, and special districts (such as regional library systems,

district libraries, and regional libraries) to assist in the development of budgets in accordance with state law. Municipal Services also serves as the central depository of municipal budgets and audits and maintains a website hosting such documents.

<http://www.da.ks.gov/ar/muniserv/>

N



NATIONAL LIBRARY WEEK

National Library Week is sponsored by the American Library Association and is always the third week of April. National Library Week activities are among the most prominent opportunities for public relations, marketing, and library visibility in many library's year.

NEWBERY MEDAL

The Newbery Medal was named for eighteenth-century British bookseller John Newbery. It has been awarded annually since 1938 by the Association for Library Service to Children (ALSC), a division of the American Library Association (ALA), to the author of the most distinguished contribution to American literature for children. The Newbery and Caldecott Medal are considered the two most prestigious awards for children's literature in the United States. When the winner is announced each January, bookstores sell out, libraries order copies and teachers add the book to their lesson plans. Specially cited runners-up for the Newbery Medal from previous years have been retroactively named Newbery Honor books.

O



OBSCENITY

(See [CENSORSHIP](#))

OPEN MEETINGS

All public library board meetings are subject to the Kansas Open Meetings Act (KOMA), ([K.S.A. 75-4317 et seq.](#)) which guarantees anyone the right to observe governmental policy makers making decisions. That statute defines a meeting subject to the act as “any gathering or assembly in person or through the use of a telephone or any other medium for interactive communication by a majority of the membership of a body or agency...for the purpose of discussing the business or affairs of the body or agency.”

Chance meetings, informal discussions after or during recesses of a public meeting, telephone calls, “work sessions” or meetings even though not officially “called” or announced by the board may be subject to the open meetings act.

A majority means one more than half the number of members. *(Please keep in mind that the City Mayor is an Ex-Officio member of the library board, and is included as a member when determining majority)* For example, a majority of a seven-member library board plus the City Mayor is five and a majority of a meeting of five members is three; a majority of a five-member board is three and a majority of a meeting of three members is two. Joint meetings between representatives of different bodies are subject to the open meetings act if a majority of any one body is present. [Attorney General Opinion 95-112](#) amplifies the issue: “The membership of each body should be considered when determining if a majority is present at a given discussion on the business of that body.”

Binding action is not necessary to discuss business. Meeting includes all gatherings at all stages of the decision-making process. Retreats and meetings held in private clubs

are usually prohibited, especially if the site makes it impossible to attend without cost to the public. Members attending a conference where items of general interest (as opposed to the business or affairs of the library board) are discussed are not in violation of the open meetings act.

Notification

[Attorney General Opinion 95-112](#) states: "Notice of meetings of bodies subject to KOMA should be provided to requestors of such notice" in advance. Persons or groups who



want notification of meetings must request that notice. Requests expire at the end of each fiscal year. It is the responsibility of the board to review expired notifications, and inform the party or parties of its expiration before terminating notices. An oral request is valid. Residency of the requestor is not a factor. Notice can be written or oral, but publication in the newspaper is not required or sufficient to fulfill notification requirements. [Attorney General Opinion 96-14](#) adds: "[K.S.A. 75-4318](#) requires that actual notice of regular and special meetings subject to the Kansas Open Meetings Act...be individually provided to those persons requesting such notice. If there is no intent to subvert the KOMA, a meeting subject to that act may be adjourned, recessed, or continued to another date, time, or place. The notice requirements and intent of the KOMA are violated by giving notice that a meeting will begin on one day and then subsequently continuing that meeting to another day without making a good faith attempt to provide notice of the new date, time and place to those requesting notice."

Conduct of Open Meetings

There is no requirement for an agenda at an open meeting, but if the library board uses one, they must make it available to the public. The public has the right to be present at a public meeting, but they have no right to be on the agenda or to speak. The library board cannot make binding action by secret ballot. Subject to reasonable rules, cameras and recording devices are allowable at open meetings. The open meeting must be accessible to the public, but a telephone conference call is allowable if the meeting meets KOMA requirements.

Executive Sessions

The library board can only recess into an executive session once an open meeting has begun. There must be a formal motion to go into executive session, stating justification for closure, the subject of discussion, and the time and place the open meeting will resume. The motion must have a second and must carry to go into executive session. The board secretary must record the motion and vote in the minutes for the executive

session to be valid. Only the members of the body have the right to attend executive sessions. Only the announced subject may be discussed in executive session. Examples of subjects for executive sessions include personnel matters, consultation with an attorney, employer-employee relations, and preliminary discussions relating to acquisition of real property.



Failure to meet the requirements of KOMA may result in voiding any actions taken; an injunction brought by any person, the attorney general or county or district attorney; and recall roster from office.

For more information about the Kansas Open Meetings Law go to <http://ag.ks.gov/legal-services/open-govt>

OPEN RECORDS

The Kansas public records law ([K.S.A. 45-215 et seq.](#)), titled the Kansas Open Records Act and referred to as the KORA, defines the records, which are not required to be disclosed at the request of citizens or public officials. Records which are not within these specific definitions are “open records” and are to be available for public examination.

There are exceptions for records, which are not required to be disclosed.

Records which libraries are not required to disclose include:

- Exception 7 - Library, archive, and museum materials if restrictions have been imposed as conditions of a contribution.
- Exception 23 - Patron registration records and circulation or loan records which pertain to identifiable individuals.

According to the office of the Attorney General, these exceptions are discretionary. If a library board does not want circulation and registration records open to the public, they should have a written policy concerning the confidentiality of library records.

[Attorney General Opinion 95-64](#) states that open records accessed through electronic or automated means remain public records and must also be available upon a record request. Therefore, patron registration and circulation records and anonymous

donations which are maintained in electronic format require the same written policies as any other.

[Attorney General Opinion 95-119](#) says that executive session review of a public record by an entity subject to the Kansas Open Meetings Act does not alter the nature of or laws applicable to disclosure of that record.

A public library is not violating the KORA if patrons are signing their name on a book checkout card. However, in the “Statement on Professional Ethics, 1981,” adopted by the American Library Association, the following statement is made: “Librarians must protect each user’s right to privacy with respect to information sought or received, and materials consulted, borrowed, or acquired.”

P



PARLIAMENTARY PROCEDURE

[\(See LIBRARY BOARD—BOARD MEETINGS\)](#)

PHYSICAL FACILITIES

All building, remodeling, or additions to public libraries must be approved by the governing body of the municipality. The library board can ask that this action be taken, but it is the responsibility of the governing body to initiate such action. The library board does not have the authority to create a special building fund on its own ([Attorney General Opinion, February 28, 1957](#) and [Attorney General Opinion, November 30, 1960](#)). However, it can use the library capital improvement fund for construction purposes (See [CAPITAL IMPROVEMENT FUND](#)).

Authority of Cities

Any city in the state has the authority to contract, acquire by gift, purchase, condemnation or lease a public building and may alter, repair, reconstruct, remodel, replace, make additions to, furnish and equip a public building ([K.S.A. 12-1736](#) and [K.S.A. 12-1739a](#)).

[K.S.A. 12-1737](#) gives the governing body of any city the authority to use several different methods to finance the construction of a new library building. The governing body may:

- receive and expend gifts;
- receive and expend grants-in-aid of state or federal funds;

- issue bonds;
- levy an annual tax on all tangible property in the city of not more than one mill for any first-class city and no more than two mills for any second or third class city, for a period not to exceed 10 years;
- issue no-fund warrants;
- use monies from the general operating fund or another appropriate budgeted fund when available;
- use monies received from the sale of public building(s) and sites; or
- combine any two or more of these methods for financing construction;



Levying a Tax

If an annual tax is to be levied under the authority of [K.S.A. 12-1737](#), the governing body must adopt a resolution authorizing the making of such levies. The resolution shall state the specific purpose for which the tax levy is to be made, the total amount proposed to be raised, and the number of years for which the tax levy shall be made (not to exceed 10 years). The resolution shall be published once each week for two consecutive weeks in the official newspaper.

After publication, the levy may be made unless a petition requesting an election upon the question of levying a tax is filed with the governing body. The petition must be signed by not less than 10% of the electors who voted at the last preceding regular city election as shown by the poll books; it must be filed with the city clerk within 60 days following the last publication of the resolution. If a valid petition is filed, the governing body shall submit the question to the voters at an election called for that purpose or at the next regular city election.

A tax levy is also authorized by [K.S.A. 79-4001](#). The governing body of the municipality has the authority to submit the question to the voters at any general or special election of making a levy for remodeling, constructing, furnishing and equipping an addition or annex to an existing library. The question of a building levy should be brought before the voters and the ballot must show the improvement contemplated, the total amount (which cannot exceed two mills) to be raised by taxes and the period (which cannot exceed 10 years) over which the taxes will be raised. If voters approve the issue the governing body of the municipality shall levy the tax and create a special fund, the principal, and interest to be used for the library building. After half of the tax has been collected, the municipality can begin making expenditures from the special fund. If the money is not sufficient for architectural or engineering services, the governing body of

the municipality may issue and sell bonds not more than 25% of the total amount authorized to supplement the special fund.

Issuance of Bonds

In order to issue bonds under [K.S.A. 12-1737](#), an election is required and the question of such issuance shall be submitted to the voters at a regular city election or a special election. A majority of those voting must vote in favor of the bond issue before any bonds can be issued. The bond election shall be called and held and the bonds shall be issued in accordance with the provision of the general bond law. It is important to remember that the notice of bond election and ballot must contain the entire cost of the



project and the different sources of funding. [Attorney General Opinion 78-74](#) states that the proceeds of a general obligation issues, approved and sold for the purpose of erecting and equipping a public library should be paid over by the city treasurer to the treasurer of the library board for its use and disbursement. However, Wyandotte County is governed by [K.S.A. 12-1226c](#), which states, "...the director of revenue of the unified government shall not pay over to the treasurer of the library board monies collected for the maintenance of the library." For additional information concerning bond elections, see these [Attorney General Opinions: July 13, 1972](#) (superseded in part by [K.S.A. 10-120](#) and [10-120a](#)), [75-330](#) and [77-162](#) and [K.S.A. 10-120](#) and [K.S.A. 10-120a](#).

Combination of Sources

The provisions of [K.S.A. 12-1737](#) have great import for Kansas libraries because the statute provides for a combination of any two or more methods of financing for the purpose of building a library. If the governing body wishes to combine a tax levy with issuance of municipal bonds to build a building, the question of issuing bonds must be brought to a vote of the people. The wording on the official ballot must include the total cost of the project and the sources of necessary funds (see Attorney General Opinion, July 13, 1972).

Authority to Sell a Building to Raise Funds

[K.S.A. 12-1739](#) gives authority to a city of any size to sell a library building and site. These monies are to be placed in a special building fund for the construction of a planned new building.

Authority to Erect a Building

[K.S.A. 12-1225](#) gives the library board authority to erect a building for use of the library with the approval of the governing body of the municipality. Approval is interpreted by [Attorney General Opinion, July 22, 1968](#) to mean giving the governing body the right to veto the basic decision to acquire real property or erect a building but does not give the governing body the right to general supervision and control over details of acquisition or erection of the building.

The responsibility of the library board includes contracting with an architect (Attorney General Opinion, July 22, 1968), receipt and expenditure of all building funds by the library board treasurer ([Attorney General Opinion 78-74](#)), and authority to execute all contracts and disburse all funds ([Attorney General Opinion 78-99](#)).



[K.S.A. 12-1225\(b\)](#) also authorizes a library board, with the approval of the municipality, to purchase or lease sites and to lease or erect a building for use of the library. [Attorney General Opinion 78-99](#) states that once a governing body approves the decision to erect a library building under [K.S.A. 12-1225\(b\)](#), the authority and responsibility to implement and execute that decision, through the execution of contracts and the disbursement of funds rests solely with the library board.

Federal Sources of Construction Funds

Source of federal funding for public library construction that is applicable to Kansas libraries. That is the Community Development Block Grant (CDBG). Certain types of federal assistance for public library construction are provided by the Housing and Community Development Act of 1992, as amended, administered in this state by the Kansas Department of Commerce. Assistance is permissible for construction of neighborhood branch libraries. Central libraries in communities of under 25,000 population are eligible. Central libraries in larger communities are not eligible except under certain conditions. Information and applications can be obtained from the Kansas Department of Commerce.

Community Development Block Grants

http://portal.hud.gov/hudportal/HUD?src=/program_offices/comm_planning/communitydevelopment/programs

<https://www.hudexchange.info/cdbg-state/>

<https://www.kansascommerce.gov/programs-services/community-development/community-development-block-grant-program/>

United States Department of Agriculture Grants

<https://www.usda.gov/topics/rural>

Accessibility Features of Buildings

[K.S.A. 58-1301](#) requires that all new buildings and additions to buildings shall conform to the American Standard Specifications for Making Buildings and Facilities Accessible to, and Usable by, the Physically Handicapped. However, the Americans with Disabilities Act of 1991 (ADA) takes precedence over the Kansas statute. This federal law is stricter and carries more weight in court ([See AMERICANS WITH DISABILITIES ACT](#)).



POLICY STATEMENT

Library policies are the building blocks of public library service to a community. They provide the foundation upon which library staff members build the actual day-by-day procedures. Every public library should have a complete written statement of policies, which is readily available to the public. The policies should serve to implement a public library's long range and short-term plans.

[K.S.A. 12-1227](#) ensures that the library will provide free use to the citizens of the municipality, but gives library boards the authority to adopt reasonable rules and regulations and to exclude any person from using the library who willfully violates the rules. Policies are vital in this and other respects for the protection of the trustees, staff, customers and the very library itself.

Writing the Policy Statement

The library director and staff are normally the sources of recommendations for new or changed policy, and library personnel should be consulted before a change in policy occurs. The board's function is to consider the policies in light of community needs. The library board has the responsibility, with the library director, to review the adopted policies annually and change them if necessary.

Once adopted, a policy should have the support of the entire board, the library director, and the staff. The board and the library staff should be able to explain the reasoning behind any policy at any time. The board should always support the library director in carrying out a policy.

PROMPT PAYMENT ACT

The Kansas Prompt Payment Act, [K.S.A. 75-6402](#), became law in 1985. A library is defined in the act as "...a library which serves the general public and is supported in whole or in part with tax money." Prompt payment means that bills must be paid within 30 days of receipt or the library may be liable for an interest penalty of 1.5% per month. If the bill is paid within 15 days after the due date, the interest penalty is not to be charged.

PUBLIC LIBRARIES

According to [K.S.A. 12-1218](#), a public library serves the general public and is supported in whole or in part with tax money. Furthermore, [Attorney General Opinion 73-214](#) states that contracting for library services with an existing library by a municipality which does not operate a public library does not constitute an established library.

Establishment of Libraries



If a municipality wants to establish a legal, tax-supported public library or change the status of a library (e.g., change from a city library to a township library), an election must be held in the entire municipality proposed to be taxed.

Any library in Kansas, established and maintained by a municipality prior to July 1, 1951, was "grandfathered" in the revision of the statutes, meaning that it was considered a legally established library subject to the statutes of the state ([K.S.A. 12-1219](#)). Libraries established after that date have been established as one of the following: city, township, county, regional or district libraries.

Types of Libraries

The following types of legal public libraries currently exist in Kansas.

- City Library - City of the First Class over 150,000 Population
Wichita is the only city library in this category. The library shares a levy with the museum and park agencies.
- City Library - City of the First Class of Population Between 120,000 and 200,000
Kansas City is the only library in this category.
- City Library - City of the First Class Established under [K.S.A. 12-1215](#). Only Hutchinson and Salina presently operate under authority of this statute.
- First Class City Libraries
- Second Class City Libraries
- Third Class City Libraries
- Township Libraries - Usually consist of a city plus the township surrounding the city or adjacent to the city.

- County Libraries -Include an entire county in their legal taxing district, including all cities and townships. Any established library-taxing district may choose whether to be included with, or excluded from the larger unit.
- Regional Libraries - Consist of two or more adjoining counties or two or more townships. *(A regional library should not be confused with a regional system of cooperating libraries established under [K.S.A. 75-2547](#)).* According to [K.S.A. 12-1234\(b\)](#) the costs of maintaining the Pottawatomie-Wabaunsee Regional Library is split with half the costs based on the populations of the two counties and half based on the counties' respective assessed valuations.
- District Libraries - Any one or more cities of the third class may join with any one or more townships in one or more counties to create a district library.



([Attorney General Opinion 73-167](#) states that because of conflict in the wording of [K.S.A. 12-1737](#), a district library may be formed in only one county.)

- Topeka and Shawnee County Library Topeka is the only city and Shawnee County is the only county in this category. [K.S.A. 12-1261 et seq.](#) gives the enabling and taxing authority.

Election Procedure for City, County, and Township Libraries

The city, township, or county clerk will need to assist with the following steps:

- A resolution authorizing an election to be held must be prepared and passed by the governing body of the municipality. It must be published in the official newspaper and an Affidavit of Publication must be filled out.
- If the governing body refuses to act by resolution, a petition for election may be filed with the governing body. The petition must be signed by 10% of the qualified voters determined by the total vote cast at the last general election. If the petition is found to be in proper order, the governing body must authorize the election.
- The question of the establishment and maintenance of a library must be brought to the voters of the municipality at the first general or local election thereafter in the form of a ballot, or, if a petition has been filed, it may request a special election be held for this specific purpose.
- If a majority of the votes cast are in the affirmative, the governing body shall establish a public library. The governing body is then authorized to levy the annual tax for the maintenance of the legally established library.

A sample Request for Establishing and Maintaining a City, Township, or County Public Library may be found in Appendix I.

Election Procedure for a Regional Library

According to [K.S.A. 12-1231](#), the following steps must be taken for an election to establish a regional library:

- A resolution authorizing an election to be held must be prepared and passed by the governing body of each county or township proposing to participate in the regional library; if the governing body refuses to act by resolution, a petition may be filed with the governing body of the county or township. The petition must be signed by 10% of the qualified voters as determined by the total vote cast at the last general election of the county or township. If the petition is found to be in proper order, the governing body must authorize the election.



- The question of the establishment and maintenance of a regional library must be brought to the voters in each county or township at the first general election held after the passage of the resolution or the presentation of a petition.
- If a majority of votes cast are affirmative, the governing body shall establish a regional library and appoint members to a library board.

Election Procedure for a District Library

According to [K.S.A. 12-1236 et seq.](#), the following steps must be taken for an election to establish a district library:

- One or more third class cities can join with one or more townships or portions of one or more townships in one or more counties to create a library district. A petition must be presented to the board of county commissioners of the county where the district library will be located.
- The petition should contain the boundaries of the proposed library district and the request for its formation. It must be signed by 10% of the voters who live in the third-class cities and 10% of the voters who live in the proposed district outside the third-class city or cities.
- The petition will be considered legal if all signing the petition are qualified voters as determined by the total vote cast at the last general election. If the petition is found to be in proper order, the board of county commissioners must authorize the election.
- A notice of such election will be published in a newspaper having a general circulation within the boundaries of the proposed district.

- The election of the proposed library shall be conducted by and under the supervision of the county clerk in the manner of all general elections.
- If the vote is affirmative, the board of county commissioners shall declare a district library established. The governing body is then authorized to levy an annual tax for maintenance of a district library in a sum the library board determines within the 1.50 mill limit fixed by law.
- If the city or cities of the third class within the boundaries of the proposed library district own(s) and is (are) operating a library at the time the petition is filed, a resolution shall be filed by the city or cities agreeing to give and have transferred to the library district all books, equipment, monies, endowment funds and all other assets of the city library for use of the proposed library district.

[Attorney General Opinion 78-234](#) states that once established, a district library cannot be dissolved by the county commissioners.

Contracting for Library Service



[K.S.A. 12-1230](#) provides that the governing body of any municipality not maintaining a library may contract with any library for the furnishing of library service to such municipality, and to pay for the costs by levying a tax in the amount authorized to be levied by such a municipality for the establishment and maintenance of a library.

[Attorney General Opinion 74-271](#) states that the levy for a contracting library is fixed by the governing body and not a library board and falls within the aggregate tax levy limitations.

PUBLIC monies - INVESTMENT

[Attorney General Opinion 96-28](#) says that Kansas banks have authority to secure public funds (i.e., tax monies) deposited with them by depositing, maintaining, pledging and assigning securities for the benefit of the municipality or a political subdivision of the municipality including the public library. These securities may not be deposited in any bank which is owned by the parent bank or any bank have common controlling shareholders, common majority of the board of the directors or common controlling directors with the bank securing such deposits.

Formal agreements, called the security agreements and the custodial agreements, for these securities are required to be in writing and must include various provisions. The Kansas Bankers' Association (KBA) has drafted sample agreements which can be obtained from local banks or from the KBA in Topeka. ([See also INVESTMENT OF FUNDS](#))

R



REGIONAL SYSTEMS OF COOPERATING LIBRARIES

When federal funds became available for regional library development in 1965, seven regions were established and were eligible for planning grants under Title I of the Library Services and Construction Act. That year, the Kansas legislature passed a bill which permitted the organization of library systems, the seven regions in Kansas. The system law was amended in 1968 by the legislature to allow school and academic libraries to participate in regional systems of cooperating libraries.

It should be noted that Kansas Administrative Regulations refer to the authority of the State Library Advisory Commission but that by statute, The State Library Advisory Commission and the Kansas Library Network Board were merged to form the State Library of Kansas Board in 2007.

Establishment of Systems

Definitions for regional systems of cooperating libraries are listed in K.S.A. [75-2548](#). They include:

- “Board” means the library board of an established library.
- “Participating board” or “participating library” means a board, library, or taxing district which is cooperating and participating in a regional system of cooperating libraries.

- “Regional system of cooperating libraries” means two or more libraries cooperating in a system approved by the State Library of Kansas Board and officially designated as a regional system of cooperating libraries.
- “System board” refers to the governing board, comprised of representatives of libraries in a regional system of cooperating libraries, which is authorized to direct and plan library service for a regional system.
- “Library” is a term which may include public, school, academic or special libraries to the extent authorized by rules and regulations of the State Library of Kansas Board but does not include county law libraries.
- “System librarian” identifies a person who has been certified by the State Library of Kansas Board as being qualified by education and experience to perform duties as a librarian for a regional system of cooperating libraries.

Power and Authority of Systems

A system board is a body corporate and politic, possessing the usual powers of a corporation for public purposes and may contract, sue and be sued, and acquire, hold



and convey real and personal property ([K.S.A. 75-2549a](#)). The geographic boundaries of the seven systems and each county included within the boundaries are identified in [K.S.A. 75-2549\(b\)](#).

System Board Membership

Regional systems are governed by a system board consisting of one or more representatives selected by each of the boards participating in the regional system, and one representative appointed by the board of county commissioners of each county that is part of the regional system. In 2017, K.S.A was amended

System board member terms were proposed in the petitions to establish the systems provided in [K.S.A. 75-2549](#). Most petitions and the annual system plans since the systems were established state that terms shall not exceed four years, and the final determination of duration of terms is made by the State Library of Kansas Board at the time of approval of the system plan. [Attorney General Opinion 75-471](#) opines, “[T]he duration of terms of all members of the board, including persons appointed by the governor, must be prescribed by the state commission at the time of approval of petitions filed under the act. There is no statutory limitation upon the maximum number of terms an appointee may serve.”

In 2017, the State Legislature passed a bill eliminating the requirement that the Governor appoint one or more representatives to the governing board of a regional system of cooperating libraries, amending [K.S.A. 75.2550](#) to require such representative or representatives be appointed by the board of county commissioners of each county that is a part of the regional system.

Likewise, the bill eliminated gubernatorial involvement in selection and certification of governing board members who are added when another county joins the territory of a regional system, requiring that such selection be made by the relevant board of county commissioners with the board of each participating library, and that the selection be certified to the State Librarian by both such entities.

Powers and Responsibilities of the System Board

The following are powers and authority of the system board according to [K.S.A. 75-2550](#):

- operate a system of library service to and for participating libraries;
- purchase service to and for participating libraries for the benefit of the system;
- receive contributions such as gifts, funds or property;
- after approval by the State Librarian, the system board may contract with any participating library;
- after approval by the State Librarian, the system board may contract with another system board or boards; and
- employ a system librarian and such other persons as the system board may find convenient or necessary.



[Attorney General Opinion 76-251](#) states that the system board has the authority to acquire, purchase, rent or lease physical facilities to house the operations of the system.

Executive Board of the System

Each system may provide in its by-laws for the selection of an executive board to which it may delegate any or all of its legal functions except adoption of the annual budget ([K.S.A. 75-2550a](#)).

System Membership

Each library desiring to participate in a system must file a petition with the system board. If the system board approves the petition to participate, the system then seeks

approval from the State Library of Kansas Board for membership and if the Board approves, the library then is an official participant in the system ([Kansas Administrative Regulations 54-1-3](#)).

[Attorney General Opinion 78-270](#) states that institutional libraries, such as those of school, academic and state institution libraries in regional systems, are entitled to representation on regional system boards. Club or private libraries may participate in a system under provisions established in the bylaws of the system ([Kansas Administrative Regulations 54-1-18](#) and [Attorney General Opinion 79-309](#)).

Duties of Regional Systems

Regional systems of cooperating libraries must:

- file assurances of compliances with the federal Civil Rights Act of 1964 with the State Library ([Kansas Administrative Regulations 54-1-4](#));
- annually submit to the State Library of Kansas Board Advisory for approval a system plan and tentative budget ([Kansas Administrative Regulations 54-1-5](#));
- establish an administrative center ([Kansas Administrative Regulations 54-1-9](#));



- assure that any member library in the system's geographic area provide the right to borrow materials or receive services without charge, subject to reasonable library rules ([Kansas Administrative Regulations 54-1-18](#) and Attorney General Opinion 80-42);
- submit an annual report as required by the State Librarian ([Kansas Administrative Regulations 54-1-10](#)); and
- annually have its accounts audited by a licensed municipal accountant ([Kansas Administrative Regulations 54-1-6](#)).

Grants of state or federal funds to systems must be included in the system plan and a budget made for their use. The plan and budget must be approved by the State Library of Kansas Board ([Kansas Administrative Regulations 54-1-11](#)).

Regional System Budgets

The system board is subject to the cash basis and budget laws of Kansas ([See CASH BASIS LAW](#)). The budget of the system board must be prepared, adopted, and published as provided by law. A meeting of the entire system board must be held for adoption of the annual budget. The system board must also hold a public hearing on its budget the first week of August each year. ([Attorney General Opinion 77-267](#) states that

the system must make its required budget publication in a newspaper which is published in each county within the territory of the system.)

Tax Levy

The tax levy made for the system budget is certified to the county clerks of each county in the geographic boundaries of the system. A tax used for library purposes is levied on all taxable property within the boundaries of each system which is not within the district supporting a library ([K.S.A. 75-2551](#)). A regional system of cooperating libraries may levy in a county within its boundaries due to the participation of a school district library located in the county. Territory of the county may be excluded from the system, and thus the tax, pursuant to [K.S.A. 75-2550](#).

Investment of Funds

[Attorney General Opinion 76-83](#) states that the system board is authorized to invest idle funds under [K.S.A. 12-1675 et seq.](#) (See also [INVESTMENT OF FUNDS](#); [PUBLIC monies - INVESTMENT](#))

State Aid



One-third of the total state aid is distributed equally among the seven systems. The remaining two-thirds are distributed among eligible public libraries in the state on a per capita basis ([K.S.A. 75-2555](#)).

Treasurer of the System Board

Attorney General Opinion [75-471](#) states that the treasurer of a system board is not subject to the bonding requirements of treasurers of public library boards.

Withdrawal from Regional Systems of Cooperating Libraries

Any taxing district which regularly levies a library tax for the support of a public library and which is participating in a system may petition the State Library of Kansas Board for withdrawal. This petition must be presented to the Commission no less than one year prior to the time that the system is required to publish its budget ([Kansas Administrative Regulations 54-1-13](#)).

The State Library of Kansas Board must then set a date for a hearing ([Kansas Administrative Regulations 54-1-14](#)). After receiving the petition for withdrawal and seeking the advice and opinion of the system board from which the library is petitioning to withdraw, and if the Commission determines that excluding the taxing district from the

system will do no manifest harm, the Commission may enter its order excluding and detaching the taxing district from the system.

Any library materials, furniture, equipment or other property purchased for a participating library by the system must be returned to the system upon the participating library's withdrawal from the system ([Kansas Administrative Regulations 54-1-15](#)).

Exclusion from the System Tax

Whenever a public library established by law has regularly levied a tax for support of the library for a period of not less than two (2) years and the library has been included in a regional system, then the governing body may petition the State Library of Kansas Board for exclusion from the taxing district. If exclusion is granted, the library is excluded from the system tax but not from the system itself.

Inclusion in the System

If a governing body of a taxing district which has been excluded from the taxing district of a system fails to levy a quarter (1/4) or more mills for public library support for a



period of two (2) consecutive years, the State Library of Kansas Board must require the taxing district to be included as part of the system taxing district.

RETENTION OF RECORDS

Federal regulations governing the repealed Library Services and Construction Act (LSCA) and the current Library Services and Technology Act (LSTA) require that all records (purchase orders, invoices, inventories, etc.) must be retained for five (5) years after the end of the fiscal year in which a grant has been given, or until the completion of a federal audit if the audit occurs before the end of the five-year period. Because most public libraries in Kansas benefited directly or indirectly from LSCA funds and presently benefit directly or indirectly from LSTA funds, it is suggested that all applicable records be kept the time period outlined in the federal regulations ([See LIBRARY SERVICES AND TECHNOLOGY ACT](#)).

RETIREMENT

(See [EMPLOYMENT BENEFITS](#))

ROBERT'S RULES OF ORDER

(See [LIBRARY BOARD—Board Meetings](#))

RULES AND REGULATIONS

(See [LIBRARY SERVICES AND TECHNOLOGY ACT](#); [POLICY STATEMENT](#))

S



SCHOOL OF LIBRARY AND INFORMATION MANAGEMENT (SLIM)—EMPORIA STATE UNIVERSITY

Tradition and innovation form the foundation of a friendly and supportive student-centered learning environment at the School of Library and Information Management (SLIM) at Emporia State University. SLIM has a long-standing reputation for graduating outstanding library leaders and information professionals. SLIM brings the campus to where its students live, offering the Master of Library Science (MLS) Program, 36-credit hours, in Emporia and Overland Park, Kansas; Denver, Colorado; Salt Lake City and Orem, Utah; Portland, Oregon; Las Vegas, Nevada; Sioux Falls, South Dakota; and Boise, Idaho.

Kansas school library media licensure is offered within the MLS degree program. SLIM offers the Archives Studies Certificate Program; the Informatics Certificate Program; the Information, Technology, and Scientific Literacy Certificate Program; and the Youth Services Certificate, which are 18-credit hour programs to prepare students for a career in an archives setting, a special collections setting, or information organization setting.

The Doctor of Philosophy, Library, and Information Management degree is designed to prepare scholars for leadership in teaching, research, and administration in higher education, information organizations, and related fields.

For more information, please visit the website: emporia.edu/slim

SOCIAL SECURITY

(See EMPLOYEE BENEFITS)

STANDARDS FOR KANSAS PUBLIC LIBRARIES—2020

The 2020 Standards for Kansas Public Libraries are intended to help libraries measure their current level of library service, and to help them improve program, collection and information access in their local libraries.

These standards are intended to be utilized by library boards and directors to meet local community needs.



The Kansas Public Library Standards reflect high, but reasonable and achievable levels of library service. Kansas citizens and communities deserve no less.

This version of the Kansas Public Library Standards was created by the seven Regional Library Systems and the Kansas Library Association, coordinating with the State Library of Kansas.

For more information about the 2020 Standards for Kansas Libraries or to download a copy visit, (<http://systems.mykansaslibrary.org/>).

STATE AID

The State Aid statute, [K.S.A. 75-2553 et seq.](#), was passed in 1975 and provides for annual grants to regional systems and eligible public libraries. The State Aid statute was passed in order to provide funds which would supplement budgets of local public libraries.

Apportionment

State Aid was for many years composed not only of state general funds but also of federal funds through LSCA. As of 1998, federal funds are no longer part of State Aid.

One third of the total amount is distributed to the seven regional systems of cooperating libraries ([K.S.A. 75-2555](#)). The remaining two thirds are distributed to public libraries on a per capita basis. The per capita amount varies slightly from one year to the next.

Eligibility

The purpose of State Aid is to supplement, not replace, local libraries' budgets. This requires a maintenance of effort. A public library is eligible for State Aid if the total of the amount of:

- ad valorem property taxes;
- local ad valorem tax reduction funds (LAVTR);
- motor vehicle taxes; and
- delinquent (back) taxes

for the current year budget is equal to or greater than the total actual amount for the preceding year. Of these categories, the library board has control of only the ad valorem property taxes.



Public library districts in which the assessed valuation decreases shall remain eligible for State Aid provided that the ad valorem tax mill rate has not been reduced below the mill rate imposed the previous year ([K.S.A. 75-2556](#)).

Payments

State Aid grants are distributed in one payment after the State Library certifies the eligible public libraries and amounts they are to receive based on the per capita formula to the Division of Accounts and Reports, Kansas Department of Administration on or before February 15 ([K.S.A. 75-2557](#)).

Expenditures

Following amendments to [K.S.A. 75-2558](#) in 1988 and 1998, State Aid may be used for any public library purpose except construction, repair, or debt reduction.

Limitation on Expenditures

Until 1998 the State Library encouraged recipients of State Aid grants to spend or legally obligate the grant amount by end of the federal fiscal year each September 30. The State Library had to report to the federal agency which administered LSCA or LSTA how federal funds were expended by December 31.

State Aid grants must be spent or encumbered by December 31 of each year ([K.S.A. 75-2558](#)). Funds expended in violation of [K.S.A. 75-2558](#) will be withheld from the next year's grant. Also, if there is an unencumbered balance on December 31, that amount will be deducted from the next year's grant. A purchase order made out and mailed prior to December 31 for specific materials for a specific amount of money constitutes a binding agreement to pay that amount for the materials ordered - this is an encumbrance.

Annual Report

Each library or regional system receiving State Aid is required to submit an annual report to the State Library which states how the funds were expended or are encumbered ([K.S.A. 75-2559](#)). The report will give the number of materials purchased and a brief narrative about how State Aid supplemented the public library's local budget.

Powers and Duties of the State Librarian

[K.S.A. 75-2560](#) authorizes the State Librarian to adopt rules and regulations to administer State Aid. The State Librarian reviews all reports submitted and may reject



any which are inaccurate, and may withhold State Aid to any library that fails to comply with the requirements of the statutes. The State Librarian also has the power to continue eligibility of a local public library for State Aid if the State Librarian, after evaluation of all the circumstances, determines that the legislative intent for maintenance of local tax levy support for the ongoing operations of the library is being met by the library taxing district ([K.S.A. 75-2556](#)).

STATE DEPOSITORY LIBRARIES

In 1976, the state legislature authorized the Kansas State Library to be the official depository of all publications of state agencies for use by the public ([K.S.A. 75-2566](#)). The Secretary of State is authorized to supply the State Library with sufficient copies of all documents and publications for exchange purposes and to fill such requests as are authorized by law ([K.S.A. 75-2539](#)). Each state agency is to be notified by the State Library of the number of copies needed ([Kansas Administrative Regulations 54-2-1](#)).

State Documents is now a section of the State Library's Reference Division. Under the direction of the State Librarian it periodically publishes and distributes to complete depository libraries, selective depository libraries, state agencies, state officials, and legislators an official list or catalog of state publications ([K.S.A. 75-2567](#)). Complete depository libraries and selective depository libraries are defined in [Kansas](#)

[Administrative Regulations 54-2-3](#)). A complete state documents depository library is forwarded one copy of each publication from the State Library, and a selective depository library receives one copy of only the publications that it requests from the State Library.

STATE LIBRARY

(See [STATE LIBRARY OF KANSAS](#))

STATE LIBRARY OF KANSAS

In accord with the policy followed by the U.S. government in the organization of Kansas Territory, the federal act of 1854 which authorized its organization (U.S. Statutes at Large, v. 10, ch. 59, sec. 33, 289) included provision for the establishment of a territorial library. The first library action taken by Kansas Territory was at the first meeting of the territorial legislature in 1855 (Kansas Territory Laws, 1855, ch. 104, sect. 480-483) when an act was passed providing for the “regulating and managing of the Territorial Library” by the auditor of the territory. This library was the nucleus of the present State Library.



Kansas became a state on January 29, 1861, and on June 3 of that year the first legislature defined the State Library in this manner: “The books, pamphlets, maps and charts belonging to the state, now in the State Library, or which shall hereafter be added to the same, shall compose the State Library, and be kept in the office of the Auditor of the State, who shall be ex-officio librarian.” (L. 1861, ch. 58, sect 35).

The State Library at that time owned only a few hundred books, many of them in broken sets and of little value to either the state or the public. In 1862, the legislature made the first appropriation of \$2,000. In 1863, the law books and miscellaneous books which made up the general collection were separated. The miscellaneous books were retained in the State Auditor’s office, and the law books were placed in the office of the Clerk of the Kansas Supreme Court who also acted as librarian. In 1868, the legislature definitely designated these distinct collections as the law division and the miscellaneous division of the State Library, at which time the law division was placed under the direction of the judges of the Supreme Court and the miscellaneous division under the control of the Governor, the Secretary of State and the Auditor.

This arrangement, however, proved unsatisfactory, so these two divisions were brought together again in one library by legislative action in 1870. A new law was passed

placing the governance of the library with a board of directors that consisted of the Governor and the judges of the Supreme Court.

Legislative Reference Service

In 1909, the legislature provided for an additional staff member to take care of the bill drafting during the legislative sessions. Because of the increased amount of work, the Revisor of Statutes Department was created in 1929 for this purpose. However, the State Library continued to provide legislative reference service.

Today the legislative library serves state legislators, their staffs, and the general public. Some of the variety of materials in the collection include:

- Bill Subject Index, 1908-present
- House and Senate Bills and Resolutions, 1980-present
- Newspaper clippings during legislative sessions, 1913-present
- Interim Committee Reports, 1934-present

During the session, the State Library staff are responsible for indexing Senate and House bills and resolutions, as well as giving current information on the status of bills



through a toll-free number (the Legislative Hotline). Since 1996, much of this information has been automated and is now available online. The Hotline is operative year round and may be reached at 1-800-432-3924.

Law Library Function

On July 1, 1975, the legislature placed the law library under the jurisdiction of the Kansas Supreme Court, thus separating that department from the State Library structure.

Stormont Medical Library

Jane C. Stormont, widow of Dr. David W. Stormont (who died in Topeka in 1887), desired to honor her husband's memory by giving a sum of \$10,000 to the State of Kansas, one half of which was to be immediately spent on medical books, periodicals, charts, etc., illustrative of medical science, and the other half was to be invested, the interest therefrom to be spent on increasing the collection. The gift was completed in 1889, establishing the Stormont Medical Collection.

The books were to be the property of the state, kept and cared for in the State Library. Kansas thus had the unique distinction of having the first medical science collection in a

state library in the nation. In 1963, legislation was passed which authorized the state librarian to transfer all of the Stormont Medical Library to the Stormont Vail Medical Center in Topeka.

The State Library Today

The State Library shall:

- be designated as the Kansas State Library and be located in Topeka ([K.S.A. 75-2534](#))
- consist of books, pamphlets, and documents of every description and such others as may be acquired by gift, purchase, exchange or otherwise ([K.S.A. 75-2534](#)), such materials to be properly cataloged ([K.S.A. 75-2541](#))
- provide library and information services to the judicial, legislative and executive branches of state government ([K.S.A. 75-2534](#))
- provide extension services to all residents of the state ([K.S.A. 75-2534](#))
- provide library services to the blind and other handicapped persons ([K.S.A. 75-2534](#))
- acquire and maintain such books, pamphlets, documents and periodicals as are determined by the Legislative Coordinating Council to be essential to support



research needs of the Legislative Research Department, the Office of the Revisor of Statutes, and to legislators and their staffs ([K.S.A. 46-1212](#))

- maintain a publication collection and depository system ([K.S.A. 75-2565](#))
- cooperate with regional systems of cooperating libraries in order that they more effectively serve all people of the state
- administer state and federal grant funds received for the promotion, improvement and extension of library services ([K.S.A. 75-2553](#) and [75-2562](#))

Within the parameters of these statutory guidelines, the modern State Library interprets its service role as two-fold:

1. it is the official reference library providing reference and information services for the executive branch and the legislative branch, as well as legislative information and a legislative hotline for all Kansans; and
2. it facilitates collaboration in resource sharing among Kansas libraries of all types and seeks to increase reading readiness, promote literacy, and provide lifelong educational opportunities.

The State Librarian



The chief officer of the State Library is the State Librarian ([K.S.A. 75-2534](#)). The State Librarian must hold a graduate degree in library science and have at least five years of actual experience in library administration ([K.S.A. 75-2535](#)). The person appointed must take the oath of office prescribed by law for public officers before entering upon the duties of the State Librarian ([K.S.A. 75-2536](#)).

Duties and Responsibilities of the State Librarian

By Statute:

- The State Librarian is responsible for the management of the State Library and is authorized to employ necessary staff ([K.S.A. 75-2537](#)).
- The State Librarian is authorized to adopt rules and regulations necessary to implement and administer the provisions of the laws.
- The State Librarian has the authority to exchange publications of the State of Kansas with similar legal publications of other states and governments of foreign countries as may be needed for use in the State Library ([K.S.A. 75-2538](#)) and shall acquire and maintain for use in the state library such books, pamphlets, documents and periodicals as are determined by the Legislative Coordinating Council to be essential and of singular importance in providing Legislative Research and legal and bill drafting services to the office of the Revisor of Statutes, other offices of the legislative branch of government and to members of the legislature. ([K.S.A. 46-1212](#))
- The State Librarian shall, from time to time, confer with the Legislative Coordinating Council concerning services provided to the legislative branch of government ([K.S.A. 46-1212](#)).
- Under [K.S.A. 75-2542](#): the State Librarian may: loan books and other materials to any community which does not have a library; and may establish area or branch offices and service centers of the State Library in order to facilitate local library service; and may help organize, set up standards for, and advise in the management of county and regional libraries; and may enter into contracts with municipalities and with library boards to effectively execute demonstration libraries or affiliated library systems; and may assume administrative responsibility and control of contractual projects during any period when state or federal funds are being used to support such projects; and may send a staff person to aid in organization or improvement in library methods.
- Also under [K.S.A. 75-2542](#), the State Library shall: adopt such rules for the government of the library and extension services and for the use of the books and other property; and shall provide leadership and assistance in the organization and development of local libraries; and shall give advice and

counsel to libraries, municipalities, organizations, or individuals in details of library processes and management.

STATE LIBRARY OF KANSAS BOARD

The State Library Advisory Commission and the Kansas Library Network Board were merged to form the State Library of Kansas Board in 2007. The State Library of Kansas Board has five statutory duties:

1. Advocate for statewide library services and resources, encouraging cooperation among libraries and promoting and encouraging innovative library services;
2. advise and counsel the state librarian on policies and management and the state library strategic plan;
3. review and approve the annual plans of regional systems of cooperating libraries;
4. perform such other duties and functions as provided by law; and
5. recommend statewide priorities for interlibrary cooperation and resource sharing.

SUBREGIONAL LIBRARIES FOR THE BLIND AND PHYSICALLY HANDICAPPED

[\(See KANSAS TALKING BOOK SERVICE\)](#)

SYSTEMS

[\(See REGIONAL SYSTEMS OF COOPERATING LIBRARIES\)](#)

T



TALKING BOOKS

[\(See KANSAS TALKING BOOK SERVICE\)](#)

TITLE TO BUILDINGS

The question about who owns the library building occasionally arises. The statutes are mute on this point. While a library board has the authority to “purchase and lease a site or sites and . . . lease or erect a building or buildings for the use of the library” with the approval of the municipality ([K.S.A. 12-1225](#)), there is nothing the statutes or regulations concerning which governing body holds title to the building and property. Absent any specific statutory authority, the Municipal Services Team advises that it is a local issue on whether the library board or the municipal governing body can hold title to the building.

TOWNSHIP LIBRARIES

[\(See PUBLIC LIBRARIES—Types\)](#)

V



VOLUNTEER MANAGEMENT

Volunteers are essentially unpaid staff for public libraries. They come from diverse backgrounds and motivations. The typical volunteer should have a professional attitude, work experience, and usually have higher levels of education, either formal or practical. They give public libraries their time, and they want it to matter.

W



WORKER'S COMPENSATION

[\(See EMPLOYEE BENEFITS\)](#)

APPENDIX A

Sample By-laws

BY-LAWS

Adopted _____ (date)

ARTICLE I:

This organization shall be called "The Board of Directors of the _____ Public Library," existing by virtue of the provisions of K.S.A. 12-1222, with powers and duties as provided in K.S.A. 12-1215 and K.S.A. 12-1225 of the laws of the State of Kansas.

ARTICLE II:

The mission of this public library is _____.

ARTICLE III:

The service area of this public library includes _____.

ARTICLE IV:

The officers of this Board shall consist of a chair, a vice-chair, a secretary and a treasurer, whose duties shall be those usually pertaining to these officers. They shall be elected at the annual meeting or serve until their successors are elected.

ARTICLE V:

A regular meeting schedule shall be established. Unless waived, written notice of each regular meeting shall be mailed to each member of the Board not less than three (3) days prior to such meeting date. If unable to attend, members should notify the chair. Special meetings shall be called at any time by the Chairman or at the written request of a majority of the members. Written notice stating time and place of any special meeting and the purpose for which called shall, unless waived, be given each member of the Board at least two (2) days in advance of such meeting, and no business other than that stated in the notice shall be transcribed at such meeting.

ARTICLE V:

Five members shall constitute a quorum for the transaction of business. In the absence of the chair and vice-chair of the Board, the members present shall elect a temporary chair. Members with more than two unexcused absences from meetings will be

considered inactive and informed in writing that a replacement appointment to the board will be sought.

ARTICLE VI:

At the annual meeting or at the first regular meeting thereafter, the following standing committees shall be appointed by the chair and confirmed by the Board:

- Building and Grounds Committee
- Personnel Committee
- Finance Committee
- Publicity Committee
- Planning Committee

Each committee shall consist of at least three members, and they shall hold their offices until the next annual meeting or until their successors are appointed. Their duties shall be such as usually pertain to their respective titles.

There also shall be an Executive Committee whose membership shall consist of the chair of the Board, who also shall be chair of the Executive Committee, and the chair of the several standing committees.

There also shall be such special committees as may be required. They shall be appointed by the chair of the Board, unless otherwise ordered, and shall perform such duties as may be assigned to them by motion or resolution adopted.

ARTICLE VII:

The Board has the responsibility of making and directing the policy of the Library, in accordance at all times with the statutes of the State of Kansas. Its responsibilities include promotion of library interests, securing adequate funds to carry on the work satisfactorily, and the administration and control of library funds, property, and equipment.

ARTICLE VIII:

The Board shall select a library director who shall be the administrative officer under the direction and review of the Board. He shall be responsible for the employment and direction of the staff in accordance with the personnel policy in the library's policy manual as adopted by the Board for the efficiency of the library's service to the public, for the operation of the library under the financial conditions set forth in the annual budget, and for such responsibilities as are delegated to the library director by the Board of Directors. The library director shall attend all regular and special board meetings.

ARTICLE IX:

These by-laws may be repealed, amended, or revised at any regular meeting of the Board by a majority of a quorum, providing, however, that such proposed repeal, amendment, or revision shall first be submitted in writing at regular meeting of the Board and sent to those members not present. Such proposal shall not be acted upon prior to a subsequent regular meeting of the Board, and notice of intended repeal, amendment, or revision shall be included in the notice of such meeting.

ARTICLE X:

Robert's Rules of Order, Newly Revised, shall govern the proceedings of the board.

APPENDIX B

Sample Request for Reconsideration of Library Materials Form

(This form should be included in the policy manual.)

Example: The library board of Mainstream County, U.S.A., has delegated the responsibility for selection and evaluation of library/educational resources to the library director, and has established reconsideration procedures to address concerns about those resources. Refer to the Library's Collection Development Policy for specifics on the policy.

Completion of this form is the first step in those procedures. If you wish to request reconsideration of library resources, please return the completed form to the Library Director of Mainstream County, U.S.A.

REQUEST FOR RECONSIDERATION OF LIBRARY MATERIALS

Format: Book _____ Periodical _____ Other (name format) _____

Title: _____

Author: _____

Publisher: _____

Request Initiated by: _____

Address: _____

City: _____

State/Zip: _____

Telephone(s): Day _____ Home _____

Do you represent?

_____ Yourself

_____ This Organization (Name) _____

_____ Another Group (Name) _____

1. To what in the work do you object? (Please be specific. Cite pages.)

2. Did you complete the work? Yes, No

3. If no, what parts did you read?

4. Resource on which you are commenting:
____ Book ____ Textbook ____ Video ____ Display ____ Magazine ____
Library Program
____ Audio Recording ____ Newspaper ____ Electronic information/network
(please specify)
____ Other _____
Title _____
Author/Producer _____
ISBN # _____
5. What brought this resource to your attention?
6. Have you examined the entire resource?
7. What concerns you about the resource? (use other side or additional pages if necessary)
8. Are there resource(s) you suggest to provide additional information and/or other viewpoints on this topic?

This form must be signed.

Signature: _____ Date: _____

This form is in alignment with the American Library Association Intellectual Freedom Committee recommendations.

APPENDIX C

Sample City Charter Ordinance

Charter Ordinance No. _____

A CHARTER ORDINANCE [REPEALING CHARTER ORDINANCE NO. _____ AND] EXEMPTING THE CITY OF _____ FROM THE PROVISIONS OF K.S.A. 79-195*, AND PROVIDING SUBSTITUTE AND ADDITIONAL PROVISIONS ON THE SAME SUBJECT AND REMOVING ANY LIMITATION OF TAX LEVY. BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF _____:

Section 1. (Exemption)

In accordance with the authority granted to cities by K.S.A. 79-5036(a), as amended, and Section 5 of Article 12 of the Kansas Constitution, the City of _____ hereby elects to exempt itself from and to make inapplicable to the City of _____, the provisions as are set out in this ordinance. The provisions of the above-mentioned statute apply to the City of _____, but do not apply uniformly to all cities in Kansas.

Section 2. (Repeal)

Charter Ordinance No. _____ of the City of _____, is hereby repealed.]

Section X. (Tax levy)

The governing body of the City of _____ is hereby authorized and empowered to levy taxes in each year for the general fund and other city purposes. Said purposes shall include all of the operations of the city except as limited by the provisions of Section ____, or this ordinance. The governing body may levy an amount necessary to meet the requirements of its adopted budget.

Section X. (Library)

The rate of levy for library purposes shall not exceed ____ mills.

Section X. (Publication)

This ordinance shall be published once each week for two consecutive weeks in the official city newspaper as provided by law.

Section X. (Effective date)

This is a Charter Ordinance and shall take effect 61 days after the last publication thereof unless a sufficient petition for a referendum is filed and a referendum held on the ordinance is provided in Article 12, Section 5, Subdivision (c)(3) of the Constitution of the State of Kansas, in which case the ordinance shall become effective if approved by a majority of the electors voting thereon.

Passed by not less than two-thirds vote of the members-elect of the governing body this _____ day of _____, (year).

ATTEST:

City Clerk Mayor

*depends on class of city: 1st class=-1951; 2nd class=-1952; 3rd class=-1953

APPENDIX D

Sample County Charter Resolution

Charter Resolution No. _____

A CHARTER RESOLUTION [REPEALING CHARTER RESOLUTION NO. ____ AND] EXEMPTING _____ COUNTY FROM THE PROVISIONS OF K.S.A. 79-1947, AND PROVIDING SUBSTITUTE AND ADDITIONAL PROVISIONS ON THE SAME SUBJECT AND REMOVING ANY LIMITATION OF TAX LEVY. BE IT RESOLVED BY THE GOVERNING BODY OF _____ COUNTY:

Section 1. (Exemption)

In accordance with the authority granted to counties by K.S.A. 79-5036(b) and K.S.A. 19-101(b), as amended, _____ County hereby elects to exempt itself from and to make inapplicable to _____ County, the provisions as are set out in this resolution. The provisions of the above-mentioned statute apply to _____ County but do not apply uniformly to all counties in Kansas.

[Section 2. (Repeal)

Charter Resolution No. ____ of _____ County is hereby repealed.]

Section X. (Tax levy)

The governing body of _____ County is hereby authorized and empowered to levy taxes in each year for the general fund and other county purposes. Said purposes shall include all of the operations of the county except as limited by the provisions of Section ____, or this resolution. The governing body may levy an amount necessary to meet the requirements of its adopted budget.

Section X. (Library)

The rate of levy for library purposes shall not exceed ____ mills.

Section X. (Publication)

This resolution shall be published once each week for two consecutive weeks in the official county newspaper as provided by law.

Section X. (Effective date.)

This is a Charter Resolution and shall take effect 61 days after the last publication thereof unless a sufficient petition for a referendum is filed and a referendum held on the resolution as provided in K.S.A. 19-101b, in which case the resolution shall become effective if approved by a majority of the electors voting thereon.

Passed by unanimous vote of the governing body this ____ day of _____, (year).

ATTEST:

County Clerk

County Commission Chairperson

APPENDIX E

Sample Contract for Library Services

THIS CONTRACT, made and executed this ____ day of _____, (year), by and between the Board of Directors of the _____ Public Library, hereinafter referred to as the Board, and the Trustees of _____ Township, hereinafter referred to as the Trustees,

WITNESS THAT:

WHEREAS, _____ Township annually levies a library tax on residents of said township, and

WHEREAS, such receipts produced by said ad valorem tax levy are paid to the Board, and

WHEREAS, _____ Library has provided to all residents of said _____ Township such library services as are provided to the residents of (name of city),

NOW THEREFORE, it is mutually understood and agreed that _____ Township shall annually levy a library levy on all of the taxable property within its boundaries, and pay said sum to the Board, and that the _____ Library shall continue to provide library service to the residents of _____ Township.

THIS CONTRACT shall remain in force and shall automatically renew on an annual basis on the anniversary date of its execution date hereafter unless canceled by any of the parties hereto, said cancellation to be given by written notice to the other party.

IN WITNESS WHEREOF, the Board and the Trustees have caused this agreement to be executed this _____ day of _____, (year).

Chair of the Board

President, Board of Trustees

Secretary of the Board

Secretary, Board of Trustees

APPENDIX F

Library Board Resolution for request and recommendation of a Library Employee Benefit Fund Levy

WHEREAS, authorization for a library employee benefit fund levy has been established within Kansas Statutes Annotated 12-16,102; and

WHEREAS, the Board of Directors of the _____ Public Library has authorized and will annually budget for the payment of the employer’s share of library employee benefits;

NOW THEREFORE, the Board of Directors hereby request and recommends the inclusion within the levies for the library of a library employee benefit levy and fund which will be separate from and in addition to the general levy and fund for library operations.

Adopted by the Board in open and duly called meeting on __[date]__, and submitted for inclusion within the budget and related levies for the ____ year of operations and following years.

Sample Employee Benefit Ordinance

ORDINANCE NO. _____

An Ordinance Establishing an Employee Benefits Contribution Fund for the City of _____, Kansas.

Be it Ordained by the Governing Body of the City _____:

Section 1. The City of _____, in accordance with the provisions of K.S.A. 12-16,102, as amended, does hereby establish an employee benefits contribution fund for the purpose of paying the City’s share of employee benefits prescribed by Section 2 of this ordinance.

Section 2. The cost of employee benefits authorized for payment from the fund created by Section 1 of this ordinance shall include the following: Employer contributions for

social security, workers' compensation, unemployment insurance, health care costs, employee benefit plans, and employee retirement and pension programs.

Section 3. Ordinance No. _____, previously adopted to establish an employee benefits fund is hereby repealed.

Section 4. This ordinance shall take effect upon publication in the official city newspaper.

Passed by the Governing Body of the City of _____, this ____ day of _____, _[year]_.

APPENDIX G

District Library Board Resolution for establishing a Library Employee Benefits Contribution Fund

RESOLUTION NO. _____

A Resolution Establishing an Employee Benefits Contribution Fund for the _____ Library of _____, Kansas.

Be it Resolved by the Board of Directors of the _____ Library which was established as a library district under K.S.A. 12-1236, et seq.

Section 1. In accordance with the provisions of K.S.A. 12-16,102, as amended, the board does hereby establish an employee benefit for the purpose of paying the employer's share of employee benefits prescribed by Section 2 of this resolution.

Section 2. The cost of employee benefits authorized for payment from the fund created by this resolution may include the following: employer contributions for social security, worker's compensation, unemployment insurance, health insurance, employee benefit plans, and employee retirement or pension programs.

Section 3. The fund shall hold money received through an employee benefit levy, separate from the general fund levy that will be included in the certification of the library district's annual levy requirements.

Section 4. This resolution shall take effect upon adoption by the Board of Directors in a regular and appropriately called meeting of the library district board.

Adopted by the Board of Directors on this ____ day of _____, [year].

Library District Chairperson

Library District Secretary

APPENDIX H

AMENDED AND RESTATED ARTICLES OF ORGANIZATION FOR THE BOARD OF DIRECTORS OF THE _____ PUBLIC LIBRARY

Adopted by Board of Directors, __[date]__, __[year]__.

Amended and restated Articles of Organization under Section 12-1223(a) of the Kansas Statutes Annotated, superseding any previous Articles of Organization, do hereby certify:

First: The name of the organization shall be the Board of Directors of the _____ Public Library.

Second: The place in this state where the principal office of the Board of Directors of the _____ Public Library is located in the city of _____, _____ County.

Third: Said Library is organized exclusively for literary, educational and charitable purposes, including, for such purposes, the making of distributions to organizations that qualify as exempt organizations under section 501(c)(3) of the Internal Revenue Code of 1986, or the corresponding section of any United States internal revenue law.

Fourth: The names and addresses of the persons who are the current directors of the Library are as follows:

[list board members with their addresses]

Fifth: No part of the net earnings of the Library shall inure to the benefit of, or be distributable to its members, trustees, officers, or other private persons, except that the Library shall be authorized and empowered to pay reasonable compensation for services rendered and to make payments and distributions in furtherance of the purposes set forth in payments and distributions in furtherance of the purposes set forth in Article Third here of. No substantial part of the activities of the Library shall be the carrying on of propaganda or otherwise attempting to influence legislation, and the Library shall not participate in, or intervene in (including the publishing or distribution of statements) any political campaign on behalf of or in opposition to any candidate for public office. Notwithstanding any other provision of these articles, the Library shall not carry on any other activities not permitted to be carried on (a) by a corporation exempt from federal income tax under section 501(c)(3) of the Internal Revenue Code, or the

corresponding section of any United States internal revenue law, or (b) by a corporation, contributions to which are deductible under section 170(c)(2) of the Internal Revenue Code, or the corresponding section of any United States internal revenue law.

Sixth: Under the dissolution of the Library, assets shall be distributed for one or more exempt purposes within the meaning of section 501(c)(3) of the Internal Revenue Code, or the corresponding section of any United States internal revenue law, or shall be distributed to other local public libraries in the state of Kansas which are exempt under section 501(c)(3) of the code, and have a mission similar to _____ Public Library. Any such assets not so disposed of shall be disposed of by a competent jurisdiction of the county in which the principal office of the Library is then located, exclusively for such purposes or to such organization or organizations, as said Court shall determine, which are organized and operated exclusively for such purposes.

In witness whereof, we, the current Board of Directors of the _____ Public Library have hereunto subscribed our names this ____ day of _____, _[year]_.

[provide lines for signatures of all board members]

APPENDIX I

Sample Resolution for Establishing and Maintaining a City, Township, or County Public Library

Resolution No. _____

A RESOLUTION SUBMITTING THE QUESTION OF THE ESTABLISHMENT AND MAINTENANCE OF A LIBRARY BY THE [CITY, TOWNSHIP, COUNTY] OF _____, KANSAS TO THE VOTERS OF THE [CITY, TOWNSHIP, COUNTY] OF _____, KANSAS.

WHEREAS, the provisions of K.S.A. (12-1220 for City, 12-1221 for County or Township) empowers the Governing Body of the [City, Township, County] of _____, Kansas to submit the question of the establishment and maintenance of a library to the voters of the [City, Township, County] of _____, Kansas; and

WHEREAS, it is the desire of the Governing Body of the [City, Township, County] of _____, Kansas to submit the question of the establishment and maintenance of a library to the voters of the [City, Township, County] of _____, Kansas;

NOW THEREFORE, be it resolved by the Governing Body of the [City, Township, County] of _____, Kansas:

The following question shall be placed on the ballot for consideration by the voters of the [City, Township, County] of _____, Kansas during the general election of the [City, Township, County] of _____, Kansas on [date], to wit:

“Shall the [City, Township, County] of _____, Kansas establish and maintain a library?”

Adopted by the [City Council, Township Board, County Commission] on this _____ day of _____, [year].

[Approved by the Mayor on this _____ day of _____, [year].
_____ Mayor]

ATTEST:

[City, Township, County] Clerk

APPENDIX J

Sample City Charter Resolution

CHARTER ORDINANCE NO. XXX

A CHARTER ORDINANCE EXEMPTING THE CITY OF _____, KANSAS, FROM THE PROVISIONS OF K.S.A. 12-1222 RELATIVE TO RESIDENCE REQUIREMENTS OF LIBRARY BOARD MEMBERS AND PROVIDING A SUBSTITUTE PROVISION ON THE SUBJECT OF RESIDENCE REQUIREMENTS FOR LIBRARY BOARD MEMBERS.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF _____, KANSAS:

Section 1. The City of _____, Kansas, under the authority of Article 12, Section 5, of the Constitution of the State of Kansas, elects to and does hereby exempt itself from, and make inapplicable to it, the provisions of K.S.A. 12-1222 relative to residence requirements for library board members, being part of an enactment applicable to such city, but not applicable uniformly to all cities, and further provides for a substitute provision on the subject of residence requirements for library board members for the _____ Public Library.

Section 2. At least four (4) members appointed to the Library Board shall be residents of the City of _____, Kansas, with all members appointed to the Library Board being residents of _____ Township or _____ Township.

Section 3. This Charter Ordinance shall be published once each week for two consecutive weeks in the City's official newspaper and shall take effect sixty-one days after the final publication, unless a sufficient petition for referendum is filed and a referendum held on the ordinance as provided for in Article 12, Section 5 subdivision (c)

(3) of the Constitution of the State of Kansas, in which case the ordinance shall become effective if approved by a majority of the electors voting thereon.

PASSED AND APPROVED BY THE GOVERNING BODY OF THE CITY OF _____, KANSAS, not less than two-thirds of the members elect voting in favor thereof, this _____ day of _____, _____.

Mayor

Attest:

City Clerk

INDEX

6 BY 6: READY TO READ, 2
ACCESS, FREE. See [FREE ACCESS vs. FEE ACCESS](#)
ACCESSIBILITY FEATURES OF BUILDINGS. See [AMERICANS WITH DISABILITIES ACT](#)
ADA. See [AMERICANS WITH DISABILITIES ACT](#)
ADMINISTRATOR. See [LIBRARY BOARD--Library Director](#),
ADVOCACY, 3
AFFIRMATIVE ACTION, 4
AGENDA. See [LIBRARY BOARD--Board Meetings](#)
ALCOHOLIC LIQUOR FUND. See [BUDGET--Source of Tax Funds](#)
AMERICAN LIBRARY ASSOCIATION, 4
AMERICANS WITH DISABILITIES ACT, 5
ARCHITECTURAL BARRIERS. See [Americans With Disabilities Act](#)
AUDITS, 7
BENEFITS. See [EMPLOYEE BENEFITS](#)
BLIND AND PHYSICALLY HANDICAPPED, LIBRARY SERVICES TO. See [KANSAS TALKING BOOK SERVICE](#)
BOARD. See [LIBRARY BOARD](#)
BONDS OF LIBRARY BOARD TREASURER, 9
BONDS, MUNICIPAL, 9
BPH. See [KANSAS TALKING BOOK SERVICE](#)
BUDGET, LIBRARY, 10
BUILDINGS. See [PHYSICAL FACILITIES](#)
BY-LAWS, 14
CALDECOTT AWARD, 16
CAPITAL IMPROVEMENT FUND, 16
CARNEGIE LIBRARIES, 17
CASH BASIS LAW, 18
CENSORSHIP, 18
CHARTER ORDINANCE, 19
CHECKING ACCOUNTS, 19
CHILDREN'S INTERNET PROTECTION ACT (CIPA), 20
CIVIL RIGHTS, 21
CONFLICT OF INTEREST, 20
CONSTRUCTION. See [PHYSICAL FACILITIES](#)

CONTRACTING FOR LIBRARY SERVICE, 21
COPYRIGHT, 22
CORETTA SCOTT KING AWARD, 24
DEPOSITORY LIBRARIES. See [FEDERAL DEPOSITORY LIBRARIES](#) or [STATE DEPOSITORY LIBRARIES](#)
DIRECTOR. See [LIBRARY BOARD--Library Director](#)
DISTRIBUTION OF FUNDS. See [BUDGET--Distribution of Funds](#)
DISTRICT LIBRARIES. See [PUBLIC LIBRARIES--Types](#) or [LIBRARY BOARD--Library Board of a District Library](#)
DOCUMENTS. See [FEDERAL DEPOSITORY LIBRARIES](#) or [STATE DEPOSITORY LIBRARIES](#)
DRESS AND APPEARANCE CODE, 25
DUTIES. See [LIBRARY BOARD--Statutory Powers and Duties of the Library Board](#) or [LIBRARY BOARD--Library Director](#), 69
EBOOKS. See [DIGITAL RESOURCES](#)
EMPLOYEE BENEFITS, 27
EMPLOYEES, MINOR (14-16), 29
ENCUMBRANCE, 30
ENDOWMENT, 30
EQUAL EMPLOYMENT OPPORTUNITY, 30
E-RATE, 30
EXEMPTION FROM FEDERAL EXCISE TAX, 31
EXEMPTION FROM INCOME TAX, 31
EXEMPTION FROM PROPERTY TAX, 33
EXEMPTION FROM SALES TAX, 33
FACSIMILE SIGNATURE, 34
FAIR LABOR STANDARDS ACT, 34
FEDERAL DEPOSITORY LIBRARIES, 35
FEDERAL FUNDS. See [LIBRARY SERVICES AND TECHNOLOGY ACT](#)
FIXED ASSET RECORDS, 36
FOUNDATIONS, 36
FREE ACCESS VS. FEE ACCESS TO LIBRARY SERVICE, 36
FRIENDS OF KANSAS LIBRARIES, 37
FRIENDS OF THE LIBRARY, 37
FUNDRAISING, 39
GIFTS AND GRANTS, 40
HANDICAPPED. See [AMERICANS WITH DISABILITIES ACT](#)

HEALTH INSURANCE, 41
<https://docs.google.com/document/d/1p8xz7yGWjjpV1xjqpHk09VoeViF98MsLzkYnk9YyxBo/edit#bookmark=id.d35a1by1qara>
HOME RULE, 41
INCOMPATIBILITY OF OFFICE, 44
INSURANCE PLANNING FOR PUBLIC LIBRARIES, 44
INTELLECTUAL FREEDOM. [See CENSORSHIP](#) or [OPEN RECORDS](#)
INTERLIBRARY COOPERATION AND RESOURCE SHARING, 47
INTERNAL REVENUE SERVICE (IRS). [See EXEMPTION FROM INCOME TAX](#)
INVESTMENT OF FUNDS, 47
KANSAS CENTER FOR THE BOOK, 49
KANSAS CHILDREN'S INTERNET PROTECTION ACT (KS-CIPA), 50
KANSAS LIBRARY ASSOCIATION (KLA), 51
KANSAS LIBRARY NETWORK BOARD, 51
KANSAS PUBLIC EMPLOYEES RETIREMENT SYSTEM (KPERs). [See EMPLOYEE BENEFITS](#)
KANSAS PUBLIC LIBRARY STATISTICS, 51
KANSAS TALKING BOOK SERVICE, 52
KANSAS TRAVELING LIBRARIES COMMISSION, 53
KPERs. [See EMPLOYEE BENEFITS](#)
LEASE-PURCHASE AGREEMENTS, 54
LEVY. [See BUDGET](#) or [PUBLIC LIBRARIES](#)
LIABILITY - INSURANCE, 55
LIBRARY BILL OF RIGHTS, 56
LIBRARY BOARD, 56
LIBRARY MATERIALS THEFT / CRIMES INVOLVING PROPERTY, 70
LIBRARY SERVICES AND TECHNOLOGY ACT (LSTA), 70
LOYALTY OATHS, 71
LSTA. [See LIBRARY SERVICES AND TECHNOLOGY ACT](#)
MINIMUM WAGE AND MAXIMUM HOURS, 72
MOTOR VEHICLE TAX REVENUE (MV TAX), 72
MOUNTAIN PLAINS LIBRARY ASSOCIATION (MPLA), 72
MUNICIPAL ACCOUNTING. [See MUNICIPAL SERVICES TEAM OFFICE OF THE CHIEF FINANCIAL OFFICER](#)
MUNICIPAL BUDGETS, 73
MUNICIPAL SERVICES TEAM, OFFICE OF THE CHIEF FINANCIAL OFFICER, 74
NATIONAL LIBRARY WEEK, 75
NEWBERY MEDAL, 75
OBSCENITY. [See CENSORSHIP](#)

OPEN MEETINGS, 64, 76
OPEN RECORDS, 78
PARLIAMENTARY PROCEDURE. [See LIBRARY BOARD--Board Meetings](#)
PHYSICAL FACILITIES, 79
POLICY STATEMENT, 83
PROMPT PAYMENT ACT, 83
PUBLIC LIBRARIES, 83
PUBLIC monies - INVESTMENT, 87
REGIONAL SYSTEMS OF COOPERATING LIBRARIES, 88
RETENTION OF RECORDS, 93
RETIREMENT. [See EMPLOYEE BENEFITS](#)
ROBERT'S RULES OF ORDER. [See ROBERT'S RULES OF ORDER](#)
RULES AND REGULATIONS. [See LIBRARY SERVICES AND TECHNOLOGY ACT](#) or
[POLICY STATEMENT](#)
SCHOOL OF LIBRARY AND INFORMATION MANAGEMENT (SLIM)—EMPORIA
STATE UNIVERSITY, 94
SOCIAL SECURITY. [See EMPLOYEE BENEFITS](#)
STANDARDS FOR KANSAS PUBLIC LIBRARIES—2012, 94
STATE AID, 95
STATE DEPOSITORY LIBRARIES, 97
STATE LIBRARY. [See STATE LIBRARY OF KANSAS](#)
STATE LIBRARY OF KANSAS, 97
STATE LIBRARY OF KANSAS BOARD, 101
SUBREGIONAL LIBRARIES FOR THE BLIND AND PHYSICALLY HANDICAPPED.
[See KANSAS TALKING BOOK SERVICE](#)
SYSTEMS. [See REGIONAL SYSTEM OF COOPERATING LIBRARIES](#)
TALKING BOOKS. [See KANSAS TALKING BOOK SERVICE](#)
TITLE TO BUILDINGS, 102
TOWNSHIP LIBRARIES. [See PUBLIC LIBRARIES--Types](#)
VOLUNTEER MANAGEMENT, 103
WORKER'S COMPENSATION. [See EMPLOYEE BENEFITS](#)