

KANSAS PUBLIC LIBRARY TRUSTEE MANUAL

PREPARED BY Kansas Regional Library Systems, June 2016,
and endorsed by the Kansas Library Trustee Association.

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INTRODUCTION: THE PUBLIC LIBRARY IN THE 21st CENTURY

Libraries transform communities.

Public libraries began with educational and inspirational reading. We now provide recreational fiction, audiobooks, music, movies, children’s programming, computers, the Internet, adult education, and more. As books, movies, and other media became universally available and cheaper, library boards and librarians began exploring ways to keep their libraries relevant to communities. Libraries are now providing spaces, tools, and instructions for creating and making things.

In 2014, ALA funded a pilot project promoting a new way libraries can help their communities. “Libraries Transforming Communities” trained staff of 10 public libraries on how to bring people together to discover and achieve community aspirations (<http://tinyurl.com/lvmrxet>). This process started with citizens discussing the following questions:

1. What do you want the community to be?
2. How is this different from what you see now?
3. What are the challenges for achieving these aspirations?
4. What changes are needed to overcome these challenges?

These questions provide different answers than the traditional questions about “What do you want the library to do for you?” The answers to community-focused questions reveal themes (e.g., safety, more welcoming community, more activities for children, concern for the environment, etc.) that the *whole community* can work on. The librarian shares these themes with local government and organizations for their own planning. These themes become the basis for community projects, some of which directly involve the library. Whatever the case, the library is able to remain the heart of these efforts to improve the community.

After attending “Libraries Transforming Communities” training, Columbus Public Library in Wisconsin (population 5,000) started Root for Columbus ACTION potlucks. These potlucks are scheduled three times a year. Individuals bring food and eat in groups focused on four themes: art, youth, the environment, and the whole community. Each group begins plans for a small project to complete over the next three months. Completed projects are reported at the next potluck. Past projects have included cleaning up and planting flowers in Davies Park near the Amtrak station, the town’s front door, painting park benches, Community Reminisce for sharing memories, Gnomes Away From Home Scavenger Hunt, Sidewalk Chalk Art Competition, Library Lawn Concert and Ice Cream Social, and Winter and Spring StoryWalks®.

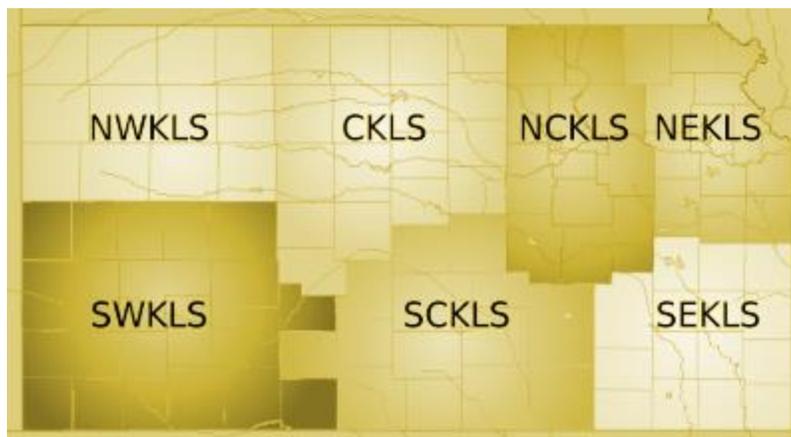
Before this project, the Columbus Public Library’s new director had been struggling to overcome years of bad library service. The library’s implementation of “Libraries Transforming Communities” discussions and the ACTION potlucks were the tools the new director needed to turn the library’s relationship with the community around. More

people come into the library, more sign up for library cards, more visit the library’s Facebook pages. There is generally more community support for the library, and the library director is in a stronger position to help the community. The new director now sees hope for building a larger library with enough space for the increased services the library is providing now, with room to grow into the future.

It is the job of the Public Library Trustee to support such efforts, to hire a director who is willing and able to make great strides, and to be the backbone of community support that every library needs in order for their library—and the community it serves—to thrive in this ever changing world.

This manual is intended to provide you with a basic understanding of the laws, rules, and best practices involved in running a library. If you have specific questions about anything contained herein, or if you have questions about your role as a trustee that are not addressed, contact your regional system consultant(s) for assistance. We are here to help all parties involved in running libraries.

Regional System Name	Location	Phone Number	Website
Central Kansas	Great Bend	1-800-362-2642	www.ckls.org
North Central Kansas	Manhattan	1-800-432-2796	www.nckls.org
NorthEast Kansas	Lawrence	1-888-296-6963	www.nekls.org
NorthWest Kansas	Norton	1-800-432-2858	www.nwks.org
South Central Kansas	South Hutch	1-800-234-0529	www.sckls.org
SouthEast Kansas	Iola	1-800-279-3219	www.sekls.org
SouthWest Kansas	Dodge City	1-800-657-2533	www.swkls.org



QUALIFICATIONS OF PUBLIC LIBRARY TRUSTEES

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.

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 and of its needs and resources;
- knowledge of the community's leaders and organizations;
- interest in the library, its service, and its 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;
- willingness to represent the library at meetings and public functions;
- commitment to the principle that access to library materials and information should be unrestricted by policies or practices regarding the type, subject, or nature of the information;
- commitment to the confidentiality of all information used by the library's patrons;
- 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.

As a group, the library board should strive to have:

- rapport with the entire community;
- political acumen and influence;
- basic business and financial skills;
- understanding of legal requirements;
- diversity in age, race, gender, and occupation; and
- varied personal backgrounds.

Trustees of a library board must have *compatibility of office*; that is, they must not already hold an elected office in the relevant municipality.

BOARD ORGANIZATION

Kansas Statute language refers to municipal libraries; however, the role of the trustee is the same whether on a township, municipal, county, or regional library board.

Section I – Types of Library Boards

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 does 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.

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. (They do vote and count toward quorum.) 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.

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.

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. **(They do vote and count toward**

quorum.) Except for the ex-officio members, no other person holding any office in a participating county or township shall be a member of a library board while holding such office.

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 can be elected and re-elected several times.

Terms of Office of the Library Trustee

Terms of library board members must be staggered. The members first appointed shall be appointed as follows to municipal library boards: 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.

Township and county library appointments are staggered as follows: 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.

Terms of regional library board members must be staggered as well. 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. 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.

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.

Vacancies occurring on the board shall be filled by appointment by the governing body that the library serves with the approval of the council or commission for the unexpired term. Attorney General Opinion 73-368 states that when the governing body contracts with an existing public library for library services, the contracting entity 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. 72-1623](#) and [72-1623\(a\)](#) 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.)

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."

Section II – Officers

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 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.

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.

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. [K.S.A. 12-1226](#) requires that the treasurer of the board be bonded.

[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.

Section III - Bylaws

All library boards need to assure continuity and consistency for their legal, financial and policy-making activities. Written bylaws are an accepted tool for doing this. Bylaws cover the basic structure under which the board operates. A sample set of by-laws can be found in [Appendix A](#).

The bylaws establish ground rules for meetings. The bylaws should provide consistent rules for participation, quorum, voting, discussion, convey how regular and special meetings are structured, and provide rules for executive session. Items needing further discussion or issues arising during the meeting should be tabled until a future meeting.

STATUTORY POWERS AND DUTIES OF THE LIBRARY BOARD

Public library trustees must know and accept their legal responsibilities as governing agents of the library. Trustees need to be aware of general legal requirements, strive to act within the law, and seek expert assistance as appropriate. When an individual accepts the office of trustee, they also accept certain duties and responsibilities.

Section I – 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; may sue and be sued; and may 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.

“Concerning a library board, most of its powers are exercised independently of any control by the governing body of the parent municipality. The board treasurer is the custodian of all library funds and has sole control over the expenditures thereof. Notwithstanding this relative autonomy of the operation of a municipal service, i.e., a city or county library, and as such, it should be regarded as part of the parent municipality...” (Kansas Municipal Accountant Bulletin, April, 1979).

Section II – Statutory Powers

[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.

Potential Areas of Liability

- Acting in excess of authority.
Examples:
 - Removing library materials without due process
 - Imposing unpaid extra hours on staff
- Nonfeasance.
Examples:
 - Failure to post copyright notices
 - Failure to meet contractual obligations
- Negligence.
Examples:
 - Unsafe buildings and grounds
 - Failure to supervise funds
- Intentional tort.
Examples:
 - Libel
 - Assault
 - Improper termination of an employee
 - Theft
- Acting in contradiction to the law.
Examples:
 - Authorizing payment of improper expenses
 - Purchasing property without proper bidding
 - Failing to follow pertinent rules for hiring

- Conflict of interest.
Example:
 - Compensating a board member for doing work for the library

- Incompatibility of office.
Example:
 - A member of the city council may not serve on the library board.

Liability Insurance

Liability insurance coverage varies with each library. In some municipalities, all governmental entities, including library facilities, are included within the municipality in its insurance coverage. Other public libraries must pay for their own liability insurance coverage for buildings and boards. The library should work carefully with insurance companies to make sure that coverage is adequate for the library's needs.

Library board members, as volunteers to nonprofit organizations, have certain immunities. Kansas law provides that a member of an 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 eliminate the possibility of any board member being personally sued.

However, Kansas law does state that the board as a whole can be sued. Therefore, the board itself can be held liable. Library boards may want to carry Directors and Officers Liability Insurance.

[K.S.A. 12-1226](#) requires that the treasurer of the board be bonded.

TRUSTEE ORIENTATION

New members of the board should be provided with information that will help them feel more comfortable with their duties and responsibilities, give them self-confidence as they begin their new job, and get them involved early in their tenure. Trustees are more effective if they know how the library functions and what is expected of them. Orientation should start as soon as possible after the new member is appointed. This will give the new trustee an opportunity to get to know the library director, the staff, and the board Chair and to ask questions about the library and its services.

New trustees should meet with the library director to learn how the library is

- organized,
- governed,
- funded and budgeted,
- operated day-to-day,
- structured to serve the needs of the community,

- linked to other resources and libraries, and
- related to the board of trustees.

New members should meet with the board president or other qualified officer to receive the following information about the board:

- A list of board members with full names and contact information, including officers' names and any existing committees;
- meeting location and schedule;
- responsibilities and expectations;
- staff list, with position descriptions,
- short-term goals, long-range plans, and projects in progress; and
- library accomplishments.

All members of the board should understand and/or have available to them:

- the functions of the board compared to functions of the director;
- the bylaws of the board;
- minutes of past board meetings;
- the library's legal basis, finances, physical facilities, policies, collection, and services;
- the library's policy manual;
- library's strategic plan;
- recent annual reports;
- current statistical reports on circulation and services;
- current budget and financial reports;
- information about the community - its historic, economic, educational, social, and political aspects;
- local ordinances and contracts pertaining to the library; and
- state and federal library laws and legislation.

Regular trustee training should be part of the library's strategic plan. Continuing education opportunities are available to library boards through the regional systems; consulting with regional staff about online resources is easy. Members should make pursuing this education a priority as individuals and as a group.

EFFECTIVE BOARD MEETINGS

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. 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.

Section I – Meeting Structure

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 be built around the tasks that need to be accomplished. These should be placed in priority order so that important business can be done early. The agenda should be sent several days before the meeting with any accompanying documents. Reports should be put in writing and sent with agenda whenever possible. The director or the board Chair can prepare the agenda.

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.

A consent agenda is a useful tool for boards to use to streamline their meetings effectively. The consent agenda provides that routine reports, minutes, or other noncontroversial pieces can be included in one agenda item for approval, as discussion is not required.

Here is a sample consent agenda:

- I. Welcome
- II. Consent Agenda
 - a. Board meeting minutes
 - b. Budget committee meeting minutes and report
 - c. Planning Committee meeting minutes and report
 - d. Director’s report
 - e. Financial report and paying of the bills
- III. Discussion Item
- And so on...

You must first recommend and approve the adoption (in quorum) of the consent agenda format. The reports and items on the consent agenda must be available/distributed in advance of the meeting.

Then,

- As the first item of business, the Chair asks the Board if any one wishes to remove any item under the consent portion of the agenda to be discussed. They can request to discuss the item, question the item, or register a vote against the item.
- If an item is removed from the consent agenda portion, the Chair will place it on the regular meeting agenda.
- The Chair then asks for a motion to accept the consent agenda.

Section II – Meeting Guidelines

All board members should attend board meetings. The board should have a policy requesting the resignation of any board member who is consistently absent without a valid excuse; three consecutive absences might be the standard for such a policy. 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, [Appendix B](#).

All trustees should come to the meeting prepared, having reviewed the agenda and accompanying documents. Any needed tools (such as a flip chart) should be the responsibility of the Chair or the director.

The Chair should follow the meeting rules and the agenda, move the discussion along, keep everyone on track, encourage all to participate, clarify the issues, and be fair to all members.

The meetings should start and end on time. There should be reasonable estimates for how long each agenda item will take and the Chair should try to meet these expectations. Each board member should be aware that they are expected to be on time and stay until the end of the meeting. Exceptions to this should be rare.

All board members should be civil and considerate. It is all right to be assertive as long as courtesy is observed. All trustees should listen attentively to others, and no one should dominate the meeting. There can be time limits set in advance on presentations and discussions at the Chair's discretion.

Decisions should be made after full and careful consideration during a board meeting. Once the decision is made, it is vital that all board members support the decision publicly. A board should "speak with one voice."

Board members should have a clear understanding of board ethics. Individual board members have no authority; the authority of the board resides solely in the collective will of the board, expressed through consensus and voting. No trustee is allowed to direct staff

members to take actions without board approval. No trustee is allowed special treatment or special favors.

Assignments should be made clearly, so that there is no doubt about who is expected to do what and by when.

There should be adequate follow-up after the meeting; each board member should receive detailed minutes after each meeting for review and correction, if necessary. The Chair or someone designated to do so should make sure that action assignments have been accomplished.

Open Meetings

State laws ([K.S.A. 75-4317](#) and [75-4318](#)) specify 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. All public library board meetings are subject to the Kansas Open Meetings Act (KOMA). Meetings should be held in a suitable barrier-free location. Meeting agendas are to be made available for everyone attending. The public has the right to be present at the meeting, but there is no right to be placed on the agenda or to speak.

Executive Meetings

An open meeting must first be held before the board can recess into executive session. 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](#)). Only the library board and people (e.g. the director) discussing information with library board can stay for an executive session; the public cannot attend.

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.

If time runs out and executive session needs to continue, the board must return to open session and make a new motion to continue. When the board returns to open session, there can be either motions for binding actions from the executive session, or the Chair can announce that no action will be taken from executive session.

Executive sessions are to be recorded in the minutes by including the following:

- The motion to go into executive session,
- Anyone who left executive session during executive session, and
- Actions or statement of no action from executive session.

Section III – Meeting Records

Meeting Minutes

The best protection the public library board can have, if their actions are ever questioned, is an excellent public record of their actions. 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; and
- 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 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.

Library Board Financial Reports

The board should review the monthly expenses and review regularly scheduled financial reports. These reports should include current expenditures for each fund, year-to-date expenditures, balances remaining, and an explanation of any fund transfers. Good budget reports can help the trustees know what the library is doing with its resources. Financial reports can be included in a consent agenda.

Kansas Open Records Act

The Kansas Open Records Act (KORA), [K.S.A. 45-216 to 45-223](#) requires originals of board minutes, library accounts, library resolutions, etc. be kept in the library for immediate inspection by a citizen. Originals are not to leave the library without the written permission of the person in charge of these records, i.e., the director. If anyone requests these records, they must be provided immediately. If the records are not available immediately, records are to be made available within three business days. If the records are still not available within three business days, a detailed explanation must be given and a statement of the time and place the records will be available. The library can charge for copies, not to exceed regular costs of printing or photocopying.

[K.S.A. 45-221](#) gives the board discretion on whether the following records are open to the public. The board should create policies guiding library staff in the handling requests for records exempt from the Kansas Open Records Act.

(4) – “Personnel records, performance ratings, or individually identifiable records pertaining to employees or applicants for employment, except that this exemption shall not apply to the names, positions, salaries, or actual compensation employment contracts or employment-related contracts or agreements and lengths of service of officers and employees of public agencies once they are employed as such.”

(7) – “Information which would reveal the identity of an individual who lawfully makes a donation to a public agency, if anonymity of the donor is a condition of the donation...”

(23) – “Library patron and circulation records which pertain to identifiable individuals.”

(30) – “Public records containing information of a personal nature where public disclosure thereof would constitute a clearly unwarranted invasion of personal privacy.”

(49) – “An individual’s email address, cell phone number, and other contact information which has been given to the public agency for the purpose of public agency notifications or communications which are widely distributed to the public.”

Section IV – Pitfalls That Prevent Boards from Being Effective

- **The Wandering Board:** The board meeting wanders from one topic to another with little action taken and many irrelevant issues discussed. When this occurs meeting after meeting, good board members will begin to consider library board membership a waste of their time.
- **The Hurried Board:** The board meetings are dominated by a desire to get done "on time." Important decisions that deserve discussion are passed over in a cursory manner because the trustees are unwilling to invest time in the library's needs.

Again, good board members will feel frustrated because important decisions are being made without reflection or discussion.

- **The Rubber Stamp Board:** The library director is often partly responsible for this one by not sharing adequate information with the board. The board members do not review actions by the director and staff, and do not understand what the library is doing or why. They approve the director's requests with no questions or thoughtful consideration of the issues.
- **The Micro-Managing Board:** The board does not leave the actual management of the library to the director. Board members become involved with the selection of materials, the employment of staff and the day-to-day operation of the library. Board meetings are held without input from the director or with the director absent. An effective library director will not tolerate this situation indefinitely. Such a situation reflects a breakdown in the relationship between the trustees and the director.
- **The Antagonistic Board:** Board members do not give each other a courteous hearing and do not accept final motions that are correctly passed and voted on by the board. Board members publicly criticize the policies and priorities that the library has established by majority vote.
- **The Absentee Board:** Board members repeatedly miss board meetings. The board often fails to reach a quorum. There is no policy in place for asking absentee members to step down.

LIBRARY BOARD SELF EVALUATION

Since an effective library board is vital to an excellent library, the board of trustees should consider its performance as part of the total evaluation of the library. Boards willing to look at themselves should ask these questions:

- Is the board functioning effectively as a group?
- Does the board have a clear understanding of its trust and responsibilities?
- Does the board stay out of the administration of the library, yet consult with the director on how well the library is doing?
- Does the board meet frequently, with the benefit of agenda, detailed minutes, and appropriate reports sent in advance of the meeting?
- Do individual trustees have good attendance records?

- Does the board have a good relationship with the library director? Does the director concur with the board assessment of this partnership?
- Has the board done everything possible to make sure the library can have an excellent staff? Are compensation and benefits competitive, policies clear, continuing education supported, and staff expertise respected?
- Do trustees accept assignments on behalf of the library?
- Has the library board acted effectively to cope with problems, handle challenges, and take advantage of opportunities?
- Have the director and library board been successful in gaining effective financial support for the library?
- Does the library have an annually updated plan and an annually reviewed policy manual?
- Are the trustees visible in the community as advocates for excellent library service?
- Are the trustees aware of current issues facing Kansas public libraries?
- Are the trustees visible in Kansas state government as advocates for excellent library service?
- Do the trustees attend workshops and conferences to enhance their skills and knowledge as library board members?

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 libraries 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 its 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.

Conflict(s) of interest

Since integrity is important to all government agencies, each board member signs a Conflict(s) of Interest Statement for Board Members of the _____ Library. (See [Appendix H](#)) The most important part of this statement is near the bottom where signers claim unawareness of “conflicts of interest and potential conflicts of interest” or reveal “conflict(s) of interest and possible conflict(s) of interest, including without limitation ... involvement in any business or organization that conducts business with, or is in direct competition with ... the library.” A signed copy is kept in the library.

Board members are expected to abstain from any voting or participating in any other action related to revealed conflict(s) of interest.

Statement of Ethics from the American Library Trustee Association

Trustees, in the capacity of trust upon them, shall observe ethical standards with absolute truth, integrity, and honor.

Trustees must promote a high level of library service while observing ethical standards.

Trustees must avoid situations in which personal interests might be served or financial benefits gained at the expense of library customers, colleagues, or the institution.

It is incumbent upon any trustee to disqualify one's self immediately whenever the appearance of a conflict of interest exists.

Trustees must distinguish clearly in their actions and statements between their personal philosophies and attitudes and those of the institution, acknowledging the formal position of the board even if they personally disagree.

A trustee must respect the confidential nature of library business while being aware of and in compliance with applicable laws governing freedom of information.

A trustee must be prepared to support to the fullest the efforts of librarians in resisting censorship of library materials by groups or individuals.

Trustees who accept appointment to a library board are expected to perform all the functions of library trustees.

Loyalty Oath/Loyalty Affirmation

According to [K.S.A. 75-4308](#), public officers and employees shall be required to subscribe in writing to the oath set out in [K.S.A. 54-106](#) (see templates below). This requirement applies to library board members and staff. Staff should complete this oath as part of the library's hiring procedures and board members should complete this oath at the beginning of each new term served. These documents should be notarized in order to attest to both their authenticity as well as the identity of the parties signing it. Once completed, these documents should be signed and dated, and stored with personnel files in a secure location.

For your board members:

Loyalty Oath

"I do solemnly swear that I will support the constitution of the United States and the constitution of the state of Kansas, and faithfully discharge the duties of board member, [name of your library here]. So help me God."

- OR -

Loyalty Affirmation

"I do solemnly, sincerely and truly declare and affirm that I will support the constitution of the United States and the constitution of the state of Kansas, and faithfully discharge the duties of board member, [name of your library here]. And this I do under the pains and penalties of perjury."

For library staff:

Loyalty Oath

"I do solemnly swear that I will support the constitution of the United States and the constitution of the state of Kansas, and faithfully discharge the duties of a member of the staff of the [name of your library here]. So help me God."

- OR -

Loyalty Affirmation

"I do solemnly, sincerely and truly declare and affirm that I will support the constitution of the United States and the constitution of the state of Kansas, and faithfully discharge the duties of a member of the staff of the [name of your library here]. And this I do under the pains and penalties of perjury."

Statement of Substantial Interest

The Kansas Governmental Ethics Commission (GEC) –

<http://www.kansas.gov/ethics/index.html> – is charged with administering, interpreting and enforcing the Campaign Finance Act and laws relating to conflict of interests, financial disclosure and the regulation of lobbying.

While public libraries generally are local government subdivisions, the local conflict of interest laws do not require board members, directors or employees to file statements of substantial interest since they are not publicly elected local governmental officials ([K.S.A. 75-4302a](#)). However, if any directors or board members are publicly elected, then they would meet the definition of local governmental official and hence be required to file. One exception exists, [K.S.A. 75-4305](#): Same; filing of report of interest if statement of substantial interest not filed; abstaining from action. (a) Any local governmental officer or employee who has not filed a disclosure of substantial interests shall, before acting upon any matter which will affect any business in which the officer or employee has a substantial interest, file a written report of the nature of the interest with the county election officer in which is located all or the largest geographical part of the officer's or employee's governmental subdivision. (b) A local governmental officer or employee does not pass or act upon any matter if the officer or employee abstains from any action in regard to the matter. Interpretation: A public library official or employee is not required, pursuant to K.S.A. 75-4302a, to file a statement of substantial interest. But if they act

upon any matter which will affect any business in which they have a substantial interest, they would have to file a written report as provided in 75-4305 (a).

Since district libraries have a public election for board members, we believe district library board members should complete and have on file at the library a statement of substantial interest.

Recommendation: Government and non-profit boards in recent years have come under greater scrutiny for business practices, ethics, etc. We encourage each library board – in the spirit of transparency – to adopt the practice of board members completing a statement of substantial interest when joining the board for a first term. If a board member is appointed for a subsequent term, he or she would review the existing statement of substantial interest and update as necessary.

These signed documents should be stored securely – as you would personnel files – and would be readily available should you need to disclose this information (as stated in [K.S.A. 75-4305](#)). The following template (see link) is intended for use by those elected to hold office, but it could be adapted for use where the individual meets the definition of K.S.A. 75-4305. <http://ethics.ks.gov/EthicsSite/pdfs/localssiform.pdf>

PERSONNEL

Section I - Respective duties of Trustees and Library Staff

In the area of personnel management, it is very important that the respective duties of the board of trustees and the library director be understood and adhered to. Many public libraries have found themselves in serious difficulties because the director would not accept direct responsibility for competent personnel supervision or because individual trustees interfered with library operations. On many policies and projects the trustees and the director will work side by side as members of a planning team, but the director must serve as the direct and responsible supervisor of library staff.

Personnel Responsibilities:

- The board employs a library director who meets the stated requirements and has the required skills.
- The director hires and supervises staff according to policy and utilizes the skills and initiative of the staff members to the library's advantage.
- The board adopts personnel policies and a personnel handbook, making sure that they concur with local, state, and federal laws that relate to employment practices.
- The director provides board with recommendations and materials to review and maintains the adopted policy manuals.

- The board provides an adequate salary schedule and fringe benefits for all employees.
- The director suggests improvements needed in compensation and working conditions.
- The board supports and authorizes in-service training and professional development for both staff members and trustees.
- The director recommends appropriate opportunities and specifies available funding for training and development.
- The board notifies appropriate authorities of vacancies on the board, recommends qualified candidates, if appropriate, and participates in the orientation of new board members.
- The director participates in the orientation of new trustees.
- The board develops criteria for evaluating the library director's performance and reviews director's effectiveness.
- The director maintains up-to-date job descriptions and complete personnel records for all staff members.

Section II - Hiring a New Director

Get the current director's resignation in writing and conduct an exit interview. If the director is leaving in good standing, listen carefully to any recommendations for the future. In any case, look carefully at the library's current situation. Review compensation and benefits to be sure they are reasonable.

Approve a job description that includes responsibilities, specific duties, salary and fringe benefits, terms of an introductory period and evaluation, minimum qualifications and experience, desirable qualifications and experience, and reporting relationships. Kansas is a right-to-work state, and the board should take care to avoid implying any sort of contract of employment.

Form a search committee. Agree on procedures, budget, and a timeline and submit them in writing to the full board. Make plans to keep full documentation on every step of the process for the board's protection.

Determine methods of recruitment. The position advertisement can be distributed to:

- local newspapers,
- library schools,
- state and/or professional job search sites, or
- other online sources.

Write posting for position that contains the following:

- job title,
- responsibilities,
- qualifications,
- salary range and/or minimum salary,
- employee benefits,
- request for resume and references,
- date of availability,
- contact information for submissions,
- closing date for applications, and
- an equal opportunity employer statement.

Determine the questions to be asked of the candidates. All candidates should be asked the same basic questions with follow-up questions based on their answers to the basic questions.

Appropriate areas for questioning are:

- record of achievements;
- record of stability;
- knowledge, skills, and abilities;
- education;
- experience;
- interest in position; and
- expectations.

Select the three to five (3-5) most competitive candidates to interview in person. If the applicants are not satisfactory, it is better to re-advertise the position than to lower the standards for the job. Make sure the salary and benefits are enough to attract candidates of the desired caliber.

Send the candidates information on the library and the community before they come for the interview.

Set a positive and comfortable tone for the interview. Provide a tour of the library and allow the candidate to talk with staff members in addition to the interview.

Interview the applicants in a professional fashion.

Answer the finalists' questions openly. Be frank about your expectations, what the job has to offer, and any unusual problems the new director may face.

Select the best candidate and submit selection to the full board. A formal motion and vote should confirm.

Notify the successful candidate in writing and get an acceptance in writing. Notify the unsuccessful candidates in writing that a director has been selected.

Send an announcement to the local media after the successful candidate accepts.

Keep all the paperwork connected with the hiring process on file.

Section III - Evaluating the Director

The evaluation of the library director should be an ongoing process, a natural outgrowth of a good relationship between trustees and library administrator. The director should be given help with problems and advice on mistakes in a timely fashion that facilitates quick resolution.

A formal, annual evaluation of the library director is an excellent management practice. If the director's performance is satisfactory, this should be an appraisal of the job description and of progress with specific objectives. If the director looks forward to a chance to evaluate the director's position, rather than dreading a forum for unforeseen criticism, they are more likely to make effective adjustments in their priorities.

There are times when the director is not performing to the board's satisfaction in certain areas. At such times, the board's watchword should be *specifics*. The director should be given specific tasks to accomplish within a specific period or specific behaviors to change. Unspecific charges such as "bad attitude" are more likely to result in frustration and anger than constructive change. Many directors have successfully corrected an unsatisfactory situation after they gained a clear understanding of the board's expectations.

Any evaluation of the library director should be based on how the library itself is doing. The board might consider questions such as:

- Has the director managed the library so that it can provide the intended services?
- Has the director managed the staff so that operations are friendly, efficient, and cost effective?
- Is the community visibly pleased with the public library?
- Has the director been a leader in making the community aware of the library as an important service?
- Has the director made progress in achieving the objectives outlined in the library's plan?
- Has the director provided sufficient information to the board so that it can perform effectively?

- Has the director kept in touch with new trends in library service and relayed these to the staff and the board?

Section IV - Dismissing the Director

Probably the most painful situation a public library board can face is the dismissal of the library director. Boards that hire carefully, communicate well, nurture positive working relationships, and evaluate effectively are far less likely to face this unpleasant task. However, when serious problems cannot be resolved, dismissal becomes a necessary last resort.

Library directors are usually dismissed for poor performance combined with unwillingness or inability to improve or for major infractions of policies or library law. Such a situation calls for careful courtesy on the part of the trustees, both for ethical reasons and to prevent possible countercharges.

When considering the termination of the director, the board should review the following questions:

- Has the director received formal appraisal of their work?
- Is there a clear paper trail documenting the problems and the actions the director was expected to take to correct them?
- Is there any evidence that personality clashes or unreasonable biases are a factor in the decision?
- Has the board dealt with problems as they arose?
- Has the director been given a full hearing?
- Has the director received written notification of the dismissal with the reasons for it listed explicitly?
- Have the trustees received appropriate legal advice and is the board prepared to justify its actions?
- Are there any library policies that need to be changed as a result of the situation?
- Has it been determined how the dismissal will be presented to the public?

FINANCES

The library finances are an area where the trustees and the director should work in close partnership and where high trust among them really pays off. Both board and staff should have a clear understanding of the budget process and major opportunity to contribute.

Signatures on library checks

[K.S.A. 12-1226](#) says the treasurer writes checks and the president and secretary sign them. The secretary's signature verifies the legitimacy of the president's signature.

Libraries have historically been less than aggressive in obtaining adequate funding to support quality library programs, but this is changing. More trustees are realizing that income must exceed the levy authorized by statute or by charter ordinance. However, it is important to keep in mind that libraries in Kansas operate under cash basis law; that is, libraries may not create any indebtedness over the amount of money on hand in the treasury.

The usual sources of income for public libraries include the following:

- levied taxes;
- state, federal, foundation, or other grants;
- system grants;
- contracts for furnishing a special service;
- income from library operations: fines, damaged materials, copying charges, etc.;
- interest on investments; and
- community fundraising.

Library Board's power to determine and increase library mill levy

- [K.S.A. 12-1220](#) gives library boards the power to “determine within limitations fixed by law” the amount of tax money needed to run the library. Unless the city has passed a charter ordinance limiting the mill levy for the library, the library board tells the city how much is needed each year.
- [K.S.A. 79-2925b](#) requires the library board to pass a resolution requesting an increase in the library's mill levy. This resolution should be passed early in the year when the need for the increased mill levy is known and given to the city to be included in the city's budget for the library.
- Local government can eliminate the library board's power by passing a home rule charter ordinance setting the library's mill levy at a fixed amount. More information about home rule charter ordinances is at <http://tinyurl.com/khf7xlg>.

The normal expenditures that most libraries have to budget for include:

- salaries;
- benefits (social security, retirement, workers' compensation, health insurance);
- utilities;
- building maintenance (cleaning, insurance, maintenance, repairs);
- equipment and software;
- collection materials;

- databases and e-content;
- summer reading and literacy support;
- cultural or artistic events;
- book clubs;
- workshops and crafts programs;
- storytimes for children;
- programs for older citizens;
- local history and genealogy;
- outreach;
- special collections;
- operating expenses (printing, postage, travel, memberships, supplies); and
- capital expenditure (a major building project or major equipment purchase).

A Kansas public library may place up to 10% of its tax income in an accruing capital improvement fund. [K.S.A. 12-1258](#) gives public library boards the authority to create a library capital improvement fund. These funds may be accumulated and do not have to be expended by the end of the budget year as do other tax monies. Non-tax monies may be placed in the capital improvement fund at any time. Capital improvement funds are designed to support major projects that the library staff and trustees would find difficult to pay for from general operating funds. If necessary, the library can take the contribution from the capital improvement fund and return it to the general operating fund.

Section I - The Public Library Budget Process

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

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

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

Budget Timeline

Budget process steps should be completed on the following timeline:

Month(s)	City Budget Cycle	Library Budget Cycle
January/ February		<ul style="list-style-type: none"> • Director and board review last year’s expenditures and plans and goals; determine library needs, determine library income required. Director writes draft of budget. • Board reviews draft. • Director and board complete final draft of budget. • Remind city of consequences of lowering local library income.
March/April	City prepares its budget.	<ul style="list-style-type: none"> • Library prepares its budget. • Board approves GAAP Waiver* in March. Resolution form in appendix
May/June	Local motor vehicle income amounts are available by June.	Library board and director present written budget to city.

July	<ul style="list-style-type: none"> Local assessed valuations are available. Cities can provide upcoming total amount of tax expenditures for library fund. 	
August	<ul style="list-style-type: none"> Notice of Budget Hearing published in local newspaper. City holds public budget hearing. City delivers budget to county clerk. 	In August, the city publishes its budget showing the current year's and the next year's 1) expenditures for the library, 2) the mill levy for the library, and 3) the city's assessed valuation. If the expenditures for next year are at least equal to the current year, your library will probably get state aid. If the city's valuation goes up, but the mill levy goes down such that the library is expected to receive less income next year, then the library's state aid and system grant may be in jeopardy. In this case, contact the city clerk to see whether the total library income will be higher or lower next year. If it is lower, then the library board needs to inform the city government about the consequences of losing state aid.
September – December	In early November, county clerk mails tax statements to taxpayers.	<ul style="list-style-type: none"> In September, determine final operating budget based on official budget and other sources. In November, determine salaries for coming year.
January		Implement new operating budget

***GAAP Waiver**

Generally Accepted Accounting Principles (GAAP) is a set of accounting standards or rules for organizing an entities financial statements. Under [K.S.A. 75-1120a](#), libraries can be exempt from GAAP by a resolution of the governing body. This needs to be done annually. It is recommended that a library board do this at the same time each year to make it consistent and easier to remember.

The resolution approved by the governing body should include a statement that says, “financial statements and financial reports prepared in conformity with the requirements of K.S.A. 75-1120(a) are not relevant to the requirements of the cash basis and budget laws of this state and are of no significant value to the governing body or the members of the general public of the municipality.”

Libraries in larger cities, please check with your auditor before passing a GAAP waiver. Some cities may want the city library to follow cash basis without passing a GAAP waiver, which allows auditors more flexibility when doing the library audit.

For more information, go to:

<https://www.da.ks.gov/ar/muniserv/GaapWaiverProcedures.htm>

Section II - Other Income

State Grants-in-Aid

A statute was passed in 1975 that provides for annual grants from the State Library to regional systems and eligible public libraries. These funds will supplement but *shall not replace* local funds. One-third of the total amount is distributed by formula to the seven regional library systems. The remaining two-thirds is distributed to public libraries on a formula based on the population of each library district. The per capita amount varies slightly from one year to the next. State Library grants-in-aid money may be used for any public library purpose except construction, repair, or debt reduction.

For a library to qualify for these funds, two criteria must be met. First, the library must submit their annual statistical report to the State Library by the specified date. Staff from the State Library will advise when the report form is ready for use and they and/or regional system staff can assist with any questions. The second criterion is that the governing body of the municipality funding the library must show “maintenance of effort” by funding the library at or above the level of the previous budget year.

The grants-in-aid funding is in perpetual danger of major cuts due to the pressures on the Kansas state government budget. Both library staff and trustees of Kansas public libraries should be prepared to justify the critical nature of State Library funds to the Kansas Legislature and the Governor's office.

Library Services and Technology Act (LSTA) Grants - The Library Services and Technology Act provides funds from the federal government for libraries. Congress appropriates money for this program annually, and the amounts vary from year to year.

Regional System Grants

Regional systems present grants to eligible public libraries through varying programs. Current information on grant amounts may be obtained directly from your library's regional system.

Investment of Funds

Library funds not being immediately used for operations or special projects may be invested. Under certain circumstances, funds can be invested with banks whose main branch is located in the same county as the library ([K.S.A. 12-1675](#)). For additional assistance in answering questions about the investment of funds, trustees and library staff should seek guidance from their regional system. Funds from tax sources must be held in insured accounts.

COMMUNITY FUNDRAISING

Community fundraising is the most talked about and least accomplished task in the not-for-profit sector. Libraries want and need more money, but many librarians and trustees are reluctant to do the planning and asking and thanking that it would take to get it.

Just as a fit and healthy person is hungry for food, an excellent library is hungry for money. Many excellent libraries have made fundraising a priority and have seen their collections, programs, or services improve as a result. Community fundraising is no substitute for adequate tax support, but as a supplement to good public support, it can make a good library visibly better.

Americans give more of their private income than any other people. Individual gifts comprise 90% of what is given. Success in fundraising comes from a base of individual donors. Statistics show that Americans from all income brackets make gifts. In fact, low-income people give a larger percentage of their income than wealthy donors.

People give to what they care about, of course, but they also give when they are asked to give. If the library doesn't ask, another agency will. People make repeat gifts when they believe their gift has been valued and appreciated. People will not continue to give if they don't receive proper appreciation.

Community residents are not going to give more money to the library because it would be nice for the library to have more money. Those doing the fundraising must be able to state exactly what the library needs and exactly how the *community* will benefit if the library gets it.

Community residents are not going to give money so the library can hire staff or pay the utility bill. If the library's fiscal problems are that serious, the board should be looking at increased public support, not fundraising.

Section I - Effective Fundraising Techniques

- **Direct Mail** - It takes time and patience to build a donor base through direct mail. Most professional fundraisers believe that a direct mail database should be cultivated for years, like a garden. Long term non-responders should be weeded out, but many people will not respond, even if they care, until they realize the need is not going to go away. A one-time form letter simply isn't worth much money. Direct mail can be effective, but for most libraries, it is far better to send a personal letter to a hundred people than a form letter to a thousand. The hundred should be chosen for logical reasons: because they are community leaders, concerned parents, heavy library users, neighborhood residents, or supporters of causes the library can help with. You should be able to give each person at least one reason why you believe they care about the library.

- Capital Fund Drives - People will give more to a one-time request for a specific purpose than to a regular solicitation, but it does require the strong goodwill of the community. The library must already be successful and popular when the fund drive is implemented.
- Memorials - People are looking for an appropriate way to preserve the memory of a loved one and invest in the future of the community. The mistake most libraries make is to neglect the subtle but long-term marketing that will have people thinking of the library when such a gift is appropriate.
- Book sales - Libraries have made this their specialty. When a book sale is a well-organized annual or biennial event, it can make a surprising amount of money for the library. With some added festivities, it can be a highly visible community tradition that people look forward to.
- Novelties - These are small-scale unusual things such as auctions, raffles, wishing trees, and letters to Santa Claus. They don't usually net huge amounts of money, but they are fun and can make people think about the needs of the library.
- Individual Appointments with Potential Donors - This is by far the most important fundraising technique and the one that raises significant amounts of money. If you are planning to ask a local corporation, a wealthy citizen, or a community leader for a significant amount of money, it is not effective to use mail or telephone. It requires a scheduled appointment and a carefully stated case, accompanied by a one-page flyer that repeats the most salient points.

The perceptive donor will sense when a fundraiser expects to fail or doesn't really believe in the project. Genuine enthusiasm will build understanding and support even when the donor feels unable to give the requested amount.

Many librarians and trustees are not comfortable with this fundraising technique because they equate being turned down with failure, but they become more comfortable when they realize that refusals are simply part of the business and that even a small percentage of successes has real benefit for the library.

Good prospects for fundraising include:

- corporations and businesses that are known to be civic-minded,
- organizations and clubs that support the community,
- wealthy individuals who have friends among the library supporters,
- those who have already given gifts to your library,
- members of the library's friends organization,
- heavy library users, and
- community leaders and members of local government.

Section II - Saying Thank You

Fifty percent of successful community fundraising is saying thank you. Many libraries that have unsuccessful track records in fundraising also have no reputation for being appreciative.

Every gift to the library of any size should be acknowledged. The thank you should be appropriate and personal. Form letters are not appropriate, especially in a small community.

If the library has a number of donors who give significant amounts, it is often effective for the library to host an annual dinner or reception to show appreciation for those who support the library. Plaques, flowers, or other acknowledgements are often an appropriate part of the celebration. In any case, it should be a gala affair, designed to make the donors feel that they are important to the library and that they have made a real contribution to their community.

The donor of a large gift must be thanked several times in several different ways, not mechanically but creatively. It can be impressive when the board, the staff, and the friends are all moved to express their appreciation of meaningful help for the library.

The library can gain an edge over other fundraising entities by putting time and thought into appreciation.

Section III - Planning, Patience, and Perseverance

Planning, patience, and perseverance have been called the three watchwords of fundraising.

Planning is essential: to document the need, formulate the strategies, complete the tasks, and organize the acknowledgements. Library supporters who are interested in fundraising should do some research on fundraising techniques or schedule a board workshop on the topic.

A library cannot build a climate of community support overnight, whether the goal is increased public support, increased supplemental support, or both. Patience is necessary for the library's fiscal health.

Perseverance is also necessary for success in this field. Far too many librarians and trustees have been discouraged by setbacks that could have been regarded as valuable experience.

LIBRARY BUILDINGS

Library trustees have a major responsibility to make sure that the library facility or facilities are maintained for public comfort and safety and are durable, comfortable,

welcoming, and efficient. Library buildings that are ugly, shabby, outdated, poorly maintained, overcrowded, or otherwise inefficient have a devastating effect on public support. They invite both library users and the larger community to dismiss the library as unimportant and largely irrelevant in today's world.

At the same time, it is important for the contemporary library trustee to see the library building as a hub in a network of services that extends far beyond the library walls.

Every public library should have a long-range plan for the library facility. Trustees should maintain:

- regular monitoring of needed repairs and improvements;
- a timeline and fiscal plan for needed remodeling, expansion, or a completely new library building;
- a plan for compliance with the provisions of the Americans with Disabilities Act;
- an annually reviewed plan for appropriate library technology, which includes input by staff, system consultants, and state library consultants; and
- an ongoing weeding program (addressed in the collection development policy).

Section I - Library Building Programs

When the library needs a remodeling, expansion, or new library building, there are certain steps that will ensure an effective building program:

- major input from consultants, either from a professional building consultant or from professional library consultants working in the regional library systems;
- a fiscal program for obtaining the necessary funds;
- a building program that describes the library's needs in detail for each department and every physical area;
- consultation with staff and trustees in other libraries that have completed similar building programs;
- careful selection of an architect who will communicate well with the building committee and monitor the project carefully;
- contribution to the planning process by library staff and careful consideration of both staff and public needs;
- one member of the building committee willing to monitor the progress of the building project and report possible problems; and
- careful documentation of every major step of the building program.

Section II - Financing a Building Program

Most Kansas libraries use a combination of several methods to finance a new or expanded library facility.

A bond issue is often needed to meet a substantial share of the costs. By passing a bond issue, the electorate agrees to tax itself to pay for bonds which are sold to pay for capital improvements. The board will need professional advice to consider the length of the term of the bond issue in relation to the actual yearly cost to the owner.

Libraries can also choose to transfer funds from the operating budget to a capital improvement fund. Up to 10% of the annual tax support can be transferred in this way as well as non-tax funds. As discussed above, capital improvement fund use is not limited to building costs.

The local taxing authority (city, county, or township) may choose to assign funds to aid a library's building program. Members of local government should certainly have a clear understanding of why the building program is critically needed.

The board may choose to implement a fund drive to obtain enough funds to begin the building project. This requires genuine dedication on the part of the trustees, staff, friends, and community leaders, but it can often raise a surprising amount of money.

Library consultants are often asked about grant monies for building programs. This option is not very promising, especially since federal library funds are no longer assigned to construction, but grants from local foundations or corporations are sometimes part of the fundraising for a library building program.

Section III - Library Building Project Errors to Avoid

There are mistakes that are found over and over after library building projects are concluded. The building committee and the architect should work for the specific prevention of these during the planning for the project, with invited input from appropriate consultants:

- incorrect cost projections that force cutting realistic space requirements for community needs;
- carpets or furnishings that are not durable enough to stand up to public library use;
- inflexible furnishings that can never be moved;
- problems with roof seams and skylights;
- problems with heating and air conditioning units;
- north facing or poorly protected entrances;
- poorly lit restrooms;
- underestimation of the level of technology that will be needed by the library in coming years;
- inflexible and inadequate wiring;

- an inadequate number of outlets;
- inadequate storage;
- inadequate compliance with accessibility requirements;
- inadequate work space for the staff;
- no private space for the director;
- poor visibility through the library for the library staff (poor sight lines);
- meeting rooms with inadequate storage, no kitchen facilities, or no separate entrance; and
- inadequate arrangements for children’s programs.

LIBRARY TECHNOLOGY

Section I - A Plan for Technology

Every public library should have a constantly evolving plan to incorporate library technology into the library's service programs. The substance of this plan will be greatly affected by the size of the library and its financial resources, but it should answer the following questions:

- How many computer workstations does the library need?
- Does the library have an up-to-date plan specifying the software packages that should be available to the library staff to make the library operations more effective?
- Does the library have a technology management plan that handles timely backups, storage of master software copies and an inventory of library hardware and software?
- Does the library have appropriate Internet access for both staff and public use? Is the library's Internet service provider proving reliable?
- If the library has an integrated commercial automation system, is there a written plan for its maintenance and update?
- If the library does not have an integrated commercial automation system, is that purchase planned within the next three years? If not, does the library have a statement specifying the reasons why such a system is not appropriate at the present time?
- Does the library have a fiscal plan to finance the automation that should be implemented within the next three years?
- Have the library staff and board made good use of the staff at the regional library system and the state library?

Section II - What Should Technology Accomplish for a Library?

Most Kansas trustees have come to recognize the importance of appropriate technology to public library development. In view of the costs of library technology, they should ask, "What is it that we want to accomplish with this technology?" One answer given by librarians is: "It gives access to much more information." To which the alert trustee sometimes responds: "Information needed by whom?"

In a modern library, the focus is not on collections but on people. The library is not limited to what it has the ability to own. The librarians go wherever they have to go to meet the needs of the individual library user, whether that need is frequently or rarely expressed. Success is not measured by collection size but by client satisfaction.

Furthermore, technology allows the modern library to build the home collection on the basis of the most systematically collected data about the needs of the community. If there is a club of pigeon fanciers in town, the library will not fail to have the most respected materials on pigeons. A library that is only a warehouse of materials could have such a failure and never know it. The library is not serving a combination of favorite patrons and faceless users but a wide range of clients whose needs are known because they are proactively studied.

Which is not to say that this brave new world has no problems. Library staff members are frequently frustrated, if not actually frightened, by the huge mass of clumsily organized information out of which they are expected to find the information on Sanibel Island or miniature livestock or legislation on water rights that their clients actually need. There are many constructive actions that can be taken by libraries of all sizes:

- Trustees should regard the ongoing training of library staff members and trustees as a top priority, in spite of financial stringency.
- Libraries of all sizes should regard modern interlibrary loan as an absolutely *integral* part of client-based library service.
- Smaller libraries should make contractual arrangements to tap the skills and knowledge of the reference librarians that can be supported by larger libraries.
- Libraries of all sizes should seek current information on techniques for studying communities and doing needs assessment for public libraries.
- Libraries of all sizes should relay continuous information on their unmet needs to the regional library systems so that proactive planning for Kansas library development can take place.

COMMUNITY INFORMATION

Library trustees are increasingly aware that technology has made great changes in how library services are offered. Librarians should ask two questions:

1. How can this technology be used to improve the library service offered in our community?
2. How can this technology be used to improve the total quality of life in our community?

Information is certainly the heart of library service, but information is also essential to every level of society. Information has always been critical to the global economy and to the functions of both nations and states, but increasingly, information is also community business. Because information is both library business and community business, libraries need to be involved in community planning and development.

Local government, local schools, hospitals, businesses, civic organizations, agriculture, and libraries have all been planning to gain access to telecommunications so they can gain the information to meet their special needs. In many communities, these community elements have done their planning in isolation and with little awareness of what the others were doing. More recently, community leaders from government, health, business, education, civic leadership, and libraries have started to come together to discuss the information needs of the whole community.

Often the first need of such a group is increased awareness. What is actually happening in the community? What kind of information do the citizens use in their daily lives? What are the benefits of access to online information? What are other communities of similar size doing? What information is needed in a community database? What can the community do to fund the access that is needed?

Effective library trustees are often effective community leaders. Whatever their own profession might be, the library trustees can contribute to the community's understanding of its total information needs. Library trustees can make sure that the public library is not overlooked when such planning begins to take place. The absence of the library when community information planning takes place can only damage the library as well as the larger community.

A public library, already well integrated into the community, can serve as the catalyst for the development of a community information planning task force. The library can serve as the host institution for planning meetings. The librarians and trustees can search for the motivated volunteers who want to plan for community information.

PLANNING AND EVALUATION

Section I - The Library's Long-Range Plan

Systematic planning is essential to excellent library service, and it is an area that allows a library board to set an individual style. While research can be helpful, the board and director should not feel obligated to accept tools or procedures that seem unnatural or unhelpful.

The public library that does not plan will still change, but the change will lack a focus. It will be in response to immediate pressures rather than to meeting long range goals. The library will drift.

The library's long-range plan should include the following:

- A review of the current strengths and weaknesses of the library.

What assets does the library have now that can be built upon? Is there a handsome facility, a friendly staff, a superior reference service, a strong friends group? What strengths does the library need to build? Is there a too-small video collection, inadequate space for children, poor signage, an invisible interlibrary loan program, or poor public relations?

- A community analysis and needs assessment.

Planning requires knowing the community and addressing its individual needs. The trustees and staff should become familiar with the demographic and economic data of the community and its cultural, recreational, educational, and information resources. The library needs to understand what the community has and what it lacks before defining (or *redefining*) the library's role in the community.

- A statement of the library's mission, goals, and objectives.

Once the library's overall role and mission are defined, specific goals with measurable objectives can be set.

- An arrangement to make planning an ongoing process.

Unless a crisis or sudden opportunity requires an immediate updating of the plan, the plan should be updated on an annual basis.

A long-range plan will provide:

- rational justification of the budget with governing authorities,
- priorities to programs,
- motivation for both board and staff,

- clear measures of success,
- encouragement of coordination and accountability,
- assurance of enough lead time to undertake projects effectively, and
- an avenue that leads to steady growth by encouraging yearly evaluation.

A plan for a specific project should include:

- summary of data supporting the library's needs;
- summary of desired outcomes (personnel, collections, services, programs, or facilities);
- identification of objectives necessary to implement the project;
- timetable for achieving objectives;
- cost projections for implementing the plan;
- assignment of tasks to complete the plan; and
- provision for evaluation and reassessment.

Section II - Project Evaluation

The emphasis in any evaluation is on what can be learned in order to improve services in the future. When evaluation is used effectively, the library's programs retain their vitality, and library services improve over time.

After any major project such as

- a building program,
- an automation program,
- a new library service program,
- the hiring of a new director,
- a levy campaign,
- the creation of a new policy manual,
- the termination of a director, or
- a major fiscal crisis,

the library board and the library director should meet for a project evaluation. The following questions should be answered:

- What went well during the project?
- What might have been better handled?
- What benefits will the library's users gain from this project?
- Is the community really aware of the benefits of this project?
- Has local government been adequately informed on this project?

- Is additional publicity needed to make this project most effective?
- Did the board and staff make effective use of consultants and professional advisors during this project?
- What is the project's impact on the library finances?
- Will the staff be making any changes as a result of this project?
- Should statistics be kept or groups be consulted to measure the ongoing effectiveness of this project?
- Is there another project that should become the board's new priority?

MARKETING THE LIBRARY

Librarians and boards can be frustrated by the number of citizens who don't use the library. Librarians and boards may be surprised when citizens don't know the library has had for years DVDs, computers, and the Internet. If librarians and boards don't talk about library services, only regular library users are aware of the range of services. All too often, marketing is the weakest part of the library's program. As a result, the library suffers from inadequate support. The community suffers because needs that could be met by the public library are either not met or are met at a higher cost to consumers.

Section I - Hard Questions

The director and the library board should begin their plan for marketing by asking many hard questions. Not every marketing idea can or should be adopted, but a wide range of options should be discussed and considered. On September 15, 2015, Pew Research Center published "Libraries at the Crossroads," results of a survey asking 2,004 citizens nationwide what they want from public libraries (<http://www.pewinternet.org/2015/09/15/libraries-at-the-crossroads/>).

Results of this survey inform the questions that follow.

Do the library director and the library board have current community demographic, education, and economic trends?

Does the entire community know where the library is located?

Is it possible to drive by the library and not be aware that it is the public library?

Is there any signage in the town that helps people locate the library?

Does everyone in your community have a library card?

Is the library attractive and welcoming?

Is the library accessible to those who have disabilities or fragile health?

A Pew Research Center 2012 survey (<http://libraries.pewinternet.org/2012/06/22/libraries-patrons-and-e-books/>) clearly shows citizens with library cards are more likely to use library books than those without cards.

Are the collections attractively displayed, well maintained and appropriately weeded?

How many times would you multiply the official service population to get the annual circulation? (If it is less than three, the library's circulation is dangerously low. If it is more than twelve, there may be serious strain on the library's present collections.)

Does the library offer literacy programs to help children prepare for school?

Does the public library help local schools provide resources for kids?

Does the library teach people to use computers, smartphones, and apps?

Does the library have services and programs for veterans?

Is there a pleasant area where people can sit in comfortable Chairs and browse through magazines and newspapers?

Does the library have services and programs to help local businesses?

Are the staff members friendly and helpful?

Would a first time user of the library have any way of knowing about the library's interlibrary loan service?

Does the public library have specific ways to pursue reference questions that cannot be answered in the home library?

What information needs are met with online information?

Is the library involved in community planning?

How would people that don't use the library learn the library offers the following?

- Internet access,
- popular videos,
- audiobooks & music on CD,
- access to talking books,
- genealogy materials,

- public access computers,
- artwork,
- storytimes,
- toys and games, and
- library programs.

Does the public library have services and/or programs that actively and visibly serve any of the following?

- local businesses,
- local government,
- older adults,
- young children,
- school children,
- teens,
- people with disabilities,
- working parents, and
- veterans.

A Pew Research Center 2013 survey discovered 30% of citizens claimed to know “nothing at all” or “not much” about the “different services your public library offers.” Only 23% claimed to know “all or most” services. The official survey results can be found here: <http://libraries.pewinternet.org/2013/12/11/libraries-in-communities/>.

- 85% said libraries “should definitely” offer free early literacy programs to help young children prepare for school.
- 85% said libraries “should definitely” coordinate more closely with local schools in providing resources for kids.
- 78% said libraries “should definitely” teach people, including kids and senior citizens, how to use digital tools such as computers, smartphones and apps.
- 74% said libraries “should definitely” create services or programs for active military personnel and veterans.
- 64% said libraries “should definitely” have more comfortable spaces for reading, working, and relaxing at the library.
- 52% said libraries “should definitely” create services or programs for local businesses and entrepreneurs.

Does the library have an active fundraising program?

Does the library have an active Friends of the Library organization?

Does the library have a reputation for showing appreciation to people who help the library?

Does the library have a successful partnership with local media?

Does the library have 30-60 second spots on local radio and television?

Does the library have effective speakers who make presentations to local clubs and civic organizations?

Does the library have an ad in the local yellow pages?

Does the library have at least one program that has become a highly visible community tradition?

Does the library have a short but well produced video on the full range of library services? (Under ten minutes is usually considered most effective.)

Section II - Marketing the Library to Community Leaders

Community leaders have the potential to be the fiercest library advocates. Trustees have an obligation to work to develop these relationships and recruit them into the advocacy network.

- Send a library card to every official who doesn't have one.
- Send brief quarterly reports on library accomplishments to local officials.
- Send school principals and superintendents brief quarterly reports on what the library is doing for school children.
- Thank local government for the funds they allocate to the library.
- Library staff and trustees should join organizations with community leaders and build relationships. These might include Chamber of Commerce, Rotary, Kiwanis, Lions, PTA, civic associations, and business associations.
- Meet business leaders and ask what their needs are. Don't ask them what they need from the library; simply find out what they need.
- Teach business leaders about resources in the library and on the Internet.
- Make sure local employers are aware of the library's efforts to promote literacy.
- Hold newsworthy, photo-opportunistic events at the library that the media will want to cover.

- Buy advertisements in the media.
- Sponsor at least one annual food event (breakfast, lunch, tea/coffee, cocktail party, etc.) for community leaders to explain what they want for the community. Discuss with community leaders how the library could help reach their vision.

Section III - Marketing the Library to Library Users

Library users are already the best library advocates. Figure out how to increase their use and help them carry the library story outward.

- Study circulation and building use to learn how people use the library.
- Make sure the library has a comfortable and inviting reading area.
- Make flyers and bookmarks describing the library's services and programs. Distribute them through the community and with each circulating book.
- Invite small groups to the library. Ask what their needs are. Don't ask what they need from the library. Ask them about their needs in their daily lives, families, and careers. Library staff and board will decide how the library can help.

Section IV - Reaching Non-Users

In Pew’s report titled “From Distant Admirers to Library Lovers – and Beyond” (Pew Research Center, March 13, 2014, <http://tinyurl.com/mxvnn6j>) citizens are grouped into four levels of “library engagement.”

Table 1	Total pop.	US West	Rural	Sm. city/town	Large city
High engagement	30%	24%	11%	21%	30%
Medium engagement	39%	18%	36%	22%	11%
Low engagement	18%	35%	23%	33%	42%
No engagement	14%	22%	30%	24%	17%

If your area of Kansas is described as “US West,” “rural” or “small city/town,” Table 1 shows 53% to 57% have low or no engagement with Kansas libraries.

[Table 2 is available in Appendix E](#) where it presents the statistics supporting the following marketing suggestions for each level of engagement.

High library engagement citizens come to the library every year; half come at least monthly.

Marketing to this group should:

- Focus on lesser-known services to the 40% claiming not to know most or all the services in the library. Everyone knows libraries have fiction and non-fiction

books. Not everyone knows the library has DVDs. So create a list of lesser-known services, “Did you know the library also has _____?” Include DVDs, free Wi-Fi, etc. Don’t forget hidden services that can’t be seen when walking around the library (e.g. eBooks through the State Library, test proctoring, tax help in April, presentations for local clubs, etc.).

- Since 69% of this group reads books daily, lists of new books and discussions of books benefit this group.
- Since this group appreciates children’s programs (56%) and, to a lesser extent, adult programs (36%), calendars of upcoming programs help.
- Since this group visits the library frequently, posting lists and calendars at the circulation desk and in bathroom stalls will be seen.
- Post a map of the library identifying locations for all collections and services.
- Over 70% can be reached through the Internet, including Web pages for mobile devices and social media (e.g., Facebook).
- 69% read the daily news in some format.
- About 40% regularly attend cultural events. They would be reached through library participation in community events and partnerships with other community organizations to create additional cultural events.
- Since 39% are parents of minors, visiting schools and sending marketing materials home with school children will reach them.

Medium library engagement citizens don’t visit the library as frequently: 50% during the past year.

Marketing should:

- List library services for the 80% not knowing all or most library services.
- Since only 37% of this group read books daily, lists of new television shows and movies will be more attractive to the 80% who watch television and movies.
- Promote children’s programs for the 29% who are parents of minors.
- Promote adult programs like help filing taxes, learning new technologies, and applying for government services.
- Since only 50% of this group visit the library each year, postings in the library are less effective than for the high engagement group.
- However, 62% read the daily news articles in the newspaper; this may be the most efficient way to reach this group.
- 70% use the Internet, including the mobile Web and social media; this may be a good way to reach this group.
- Since 29% are parents of minors, sending materials home with school children will reach about a third of this group.

- Since about 25% regularly attend cultural events, participation in county fairs and partnerships with other community organization to create additional cultural events would reach one-quarter of this group.

Low and no engaged citizens know less about libraries; they are less appreciative of library services and are harder to reach.

Marketing should:

- List library services to the 90% who don't know most or all of library services.
- Focus on the free television and movie collection for the 75% to 82% watching television and movies.
- Focus on the free tax help, applying for government services, and learning new technologies they claim to want.

The best way to reach these groups is through the Internet and the daily news.

- 70% use the Internet.
- One-half read the daily news.
- One-quarter can be reached through school children.
- One-fifth to one-quarter through community cultural events.

ADVOCACY

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

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

Librarians sometimes feel competing with other essential services is hard, but libraries have very broad, if not always deeply tapped, citizen support. There is also large overlap between active library users and informed voters. Legislators are aware of this. Citizen support for libraries can be built—not overnight—but through long-term, persistent effort. Advocacy is not a task trustees have to do alone. Others will support library issues if you provide the facts and ask for help.

All Kansas boards need to be aware of proposed local, state, and national legislation that may impact library service.

Section I – Working with local government

According to Kansas library law ([K.S.A. 12-1222](#)), the official head of your government, e.g., mayor for city/town libraries, township trustee for township libraries, is an “ex officio” member of the board. The heads of your local government have all the rights and duties of regularly appointed board members; their presence or absence effects the quorum count. Library boards already have a powerful advocate on their boards. Take advantage of this connection.

- Tell mayors about their positions on the board. Invite them to attend and participate in library board meetings.
- Even when mayors don’t attend or participate in meetings, continue treating them like appointed members. Ignoring or rejecting the mayor will not benefit the board. Continue sending them the consent agenda. Invite them to all board and library events.
- Ask mayors to at least participate in creating, finalizing and approving the library budget. When the library presents its budget to the city council, the mayor already understands the reasons behind the library’s requests and has approved the numbers at an earlier board meeting. This gives the library a great advantage in convincing the city council to also accept the budget.

Keep in constant contact with the city council throughout the year.

- Send them the minutes and financial reports of the library board meetings.
- Send them your calendar and flyers of upcoming events.
- Invite them to a dinner sponsored by the library.

If your city council ignores or, worse, rebuffs your efforts, then ask for a favor not related to more money. Benjamin Franklin explains how he turned a political adversary friendly. This adversary had a wonderful personal library. Franklin praised the library and asked to borrow a book. Franklin kept the book for a while and then returned the book with a thankful note. His adversary was friendlier from then on. So ask council members for a favor. Here are some ideas.

- Ask them to read their favorite story to the children during story hour.
- Take each council member’s picture holding their favorite book and create a READ poster. Place the posters in the library. If a council member is a store owner, ask them to place the picture in their store window.
- Ask council members to display in the library their collection of hub caps or whatever.
- Ask council members to talk about their hobbies, interesting trips, or other interests.

Through these actions, city council members announce to the world, and to their own minds, their support for the library. Withdrawing support from the library’s budget requests may be more difficult.

If the library is serving the community, the community will stand up for the library in a time of crisis. In one case, a long confrontational relationship between the city

government and their library resulted in asking the library to move out of the city building by the following month. The library could find no place to go in this very small town. The library mobilized the community. Angry citizens filled the room at the next city council meeting. The citizens expressed their opinions and the city backed down. Years later, the library is still in the city building.

Section II - Tips on the Art of Lobbying

- Credibility is crucial. Approach officials with a clear purpose. Anticipate questions and be prepared to back your position with evidence.
- Focus on facts. Prepare a simple fact sheet for elected officials. Use testimonials only for additional secondary support.
- Represent the local point of view. Explain how a proposal would affect the library and voters in the community.
- Be considerate and polite. Hostile or negative behavior is counterproductive.
- Know the status of legislation affecting you and be prepared to respond quickly at the appropriate time.
- Build coalitions with others sharing your concerns: library users, Friends, business people, teachers, and retirees.
- Assume your communications can be effective. Ten personal letters or phone calls are an avalanche. Twenty make a rebellion.
- Respect the opinions of elected officials. Thank them for their consideration even when they don't agree with your position.
- Make a point to thank an elected official supporting your position.
- Use correct titles, correct addresses, and correctly spelled names in all written or electronic communications. Avoid form letters.
- Make appointments with elected officials. Invite them to lunch or sponsor special occasions to share your concerns. CKLS gave legislators READ posters of them holding a favorite book. They really liked the posters.
- Send newsletters and articles of special interest. Don't wait for a crisis to make an initial contact.
- Support legislators who support libraries. Give money or campaign for them. At least, vote for them. Don't take their support for granted, but keep them informed on what is happening.

Section III - Tips on the Art of Testifying

If you are called to testify before a legislative committee, you might find this tip sheet prepared by Lisa Kinney, a former Wyoming Senator, very helpful:

- Keep your comments reasonably succinct. Don't ramble.
- Answer questions as often as necessary. Legislators find it difficult to read, listen and think at the same time, though this is a job skill they build as time goes on.
- Don't be arrogant, sarcastic, or rude. A legislator may be ignorant on a specific issue, but they are not dumb.
- Don't lie. A decision maker puts his or her own reputation on the line when they agree to sponsor a bill or amendment for you. If you pad the budget, forget to include essential information or are not honest about problems, the decision maker can be placed in an embarrassing position and lose trust in you.
- Don't address your remarks to decision makers of one gender or one political party more than another.
- Be positive, not pouty. To be successful in legislation, you may have to lose several times. Don't show anger or discouragement. Don't develop a reputation for being critical of public figures.
- Don't be afraid to consider alternatives. Legislators know political realities and may have good ideas on strategies to solve problems. Remain flexible as you discuss options.
- If a legislator opposes your position, don't reprimand him or ignore him. You can thank an opponent for his consideration of an issue whenever there is a natural opportunity to do so. An opponent on one issue may be a supporter on another.
- Write a thank-you note to the Chair of the committee expressing your appreciation of the opportunity to testify.

INTELLECTUAL FREEDOM

In the United States, the concept of intellectual freedom derives from the First Amendment to the Constitution, which reads, in part: "Congress shall make no law abridging the freedom of speech or of the press..." As a derivative of the First Amendment, intellectual freedom means citizens have the right to believe what they want on any subject, and to express their opinions as they deem appropriate.

The freedom of expression, however, is a hollow right unless there is someone to listen. Thus, there is a second part of the intellectual freedom definition -- namely, total and complete freedom of access to all information and ideas. Federal courts have declared access and use of public libraries is a First Amendment right. Citizens who are improperly denied access to the library or use of meeting rooms can sue libraries in federal court. (See <http://www.librarylaw.com/Behaviorcases.html>.) Protecting First Amendment rights is about selecting and defending library materials (e.g., books, DVDs, etc.) and about providing every citizen use of public libraries.

It is important to recognize that freedom of speech is indivisible. Liberty of expression cannot be denied to one and saved for others; neither can it be denied to many and saved for a few. It must be said again and again that the test of dedication to liberty is the willingness to allow the expression of ideas one hates, to allow the publications with which one disagrees, and to allow untruth to circulate as well as truth. Access and circulation are the key words underscoring the unique role libraries play in the functioning of our democracy. Only through the trustee's commitment to intellectual freedom *for all* can the role of the library remain truly viable.

Section I - Protecting the Library's Position on Intellectual Freedom

1. Maintain written, annually evaluated, policies for the following:
 - a. Collection development: Selecting materials patrons want (e.g., books, DVDs, etc.) and representing all points of view and not excluding materials because of origin, background, or views of those contributing to their creation.
 - b. Patron behavior: Libraries have the right (and the obligation) to protect the safety of patrons and staff; other patrons' access and use of the library; staff's time for doing their jobs; and library facilities, equipment, and materials. Libraries do not have the right to unfairly deprive citizens of their First Amendment right to use the library. Patron behavior policies balance these rights in the following ways.
 - i. Policies must protect the specific interests: patron and staff safety, all patrons' use of the library, staff time to their jobs, library facilities, equipment, and materials.
 - ii. Vague words and phrases, e.g., offensive, inappropriate, and "includes but not limited to" followed lists of examples ending in "etc." could result in differing interpretations by library staff and patrons, and these should not be used. Better policies clearly define the specific behaviors so everyone agrees on the behavior being outlawed.
 - iii. Policies must be publicly available (e.g. online, in the collection, on the patron agreement when signing up for a card) so everyone knows what is or isn't permitted.

- iv. Staff must be trained to implement policies fairly and without prejudice.
 - v. If policies ask patrons to leave the library for more than a day, then an appeal process must be available.
- c. Meeting rooms: Policies leaving use of the meeting room up to the discretion of the librarian or board create temptations to control content and points of view. Better policies place clear limits on the purposes of meeting rooms, and the time, manner, and place for meetings. These limits would not control content or point of view in the meetings. Controlling content and points of view denies citizens' First Amendment rights and can lead to lawsuits.
- d. Patron privacy and confidentiality: Protecting the link between information identifying specific patrons with their library use frees patrons to use the library more for personal use.
- e. Computer use: Libraries have a right to protect their computers from damaging and illegal uses. Policies should clearly define what behaviors are not allowed. Changes in computer technology and use require these policies to be reviewed frequently.
2. Policies should clearly define a method for handling complaints. Complaints should be filed in writing with the person or persons filing it properly identified. Action should be deferred until full consideration by the appropriate administrative authority.
 3. Staff must be trained to implement patron-related policies and handle complaints with impeccable courtesy and no personal response. All complaints should be referred to the director or a designated department head.
 4. Staff must be trained to treat each person requesting assistance as a client and to respect their need for information of any kind.
 5. Maintain lines of communication with civic, religious, educational, and political bodies in the community. Participation by trustees and staff in local civic organizations and in community affairs establishes trust in the librarian and staff before challenges occur.
 6. Maintain a vigorous public relations program on behalf of intellectual freedom. Newspapers, radio, and television should be informed of policies governing materials selection and use and of any special activities pertaining to intellectual freedom.

The American Library Association's "Library Bill of Rights" has six points capturing the many ways public libraries should protect intellectual freedom (<http://www.ala.org/>)

[advocacy/intfreedom/librarybill](http://www.ala.org/advocacy/intfreedom/librarybill)). Implications for all aspects of public libraries are explored in a series of “Interpretations of the Library Bill of Rights” (<http://www.ala.org/advocacy/intfreedom/librarybill/interpretations>).

Section II - If a Challenge Does Occur

Complaints should be handled according to procedures previously established by the library board. The library director or a senior department head should handle the complaint when it is initially filed. The individual or group filing the complaint should be treated with dignity, courtesy, and good humor. They should be given every opportunity to have their full say and have it recognized. A sympathetic hearing will often, although not always, defuse anger. (A sample form for reconsideration of library materials is located in [Appendix F](#).)

The library director should relay in writing the full facts surrounding the complaint to the library board as soon as possible.

If the situation escalates, seek appropriate support from the local press. The freedom to read and the freedom of the press go hand in hand.

If the complaining individual or group says their own point of view is not represented in the collection, check this out carefully. You cannot defend a balanced collection unless it is in fact balanced.

Inform local civic organizations of the facts and enlist their support when appropriate.

In most cases, defend the principle of the freedom to read and the professional responsibility of the librarians. Only rarely is it necessary to defend the individual item.

Inform the ALA Office of Intellectual Freedom and appropriate organizations concerned with intellectual freedom of the nature of the problem. There is value in the support and assistance of agencies outside the area which have no personal involvement. They can often cite parallel cases and suggest methods of coping with the situation.

Appendix A: Sample Bylaws

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:

The regular meetings shall be held monthly on the third Wednesday of each month at 3:15 p.m., unless otherwise ordered by the Board. The regular meeting in May shall be the annual meeting. 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 VI:

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 VII:

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 VIII:

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 of adequate funds to carry on the work satisfactorily, and the administration and control of library funds, property, and equipment.

ARTICLE IX:

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 X:

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 XI:

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

Appendix B: Rules of Order

Board President, or substitute, facilitates the meeting:

- Calls the meeting to order only if a quorum is present.
- Calls for approval of current agenda, previous meetings minutes, treasurer's reports, etc., including use of the consent agenda if it has been adopted.
- Introduces items from the agenda.
- Recognizes speakers
- Repeats motions after second to open discussion of motion
- Proposes committees to study a motion further when necessary
- Can make motions and participate in the discussion of motions. [allowed by Robert's Rules of Order newly Revised, 11th edition, section for small boards]
- Repeats motions including amendments before calling for vote
- Calls for voting:
 - "All those in favor raise your hand."
 - "All those opposed same sign."
 - Counts votes
 - Summarizes voting results. A majority vote of those present passes motion.
- Starts the Executive Session.
- Adjourns meeting after motion.

Three types of motions are allowed:

- Proposing motion for a specific action to begin discussion.
- Table motion for later discussion in meeting or another meeting.
- Remove motion from consideration.

Actions must be presented as a motion before discussion can begin.

Motions must be seconded. [Robert's Rules, 11th edition, section for small boards, does not require motions be seconded or that seconds be recorded in the minutes.]

Only one main motion is allowed for discussion at a time, but secondary motions amending the main motion are allowed.

Motions can be amended with the approval of the person making the motion and the motion second.

There is no limit on the number of times a person can speak.

Anyone can call for an end of discussion and voting.

Anyone can call for the reconsideration, amendment, or rescinding of a motion, even after it has already passed.

Anyone can interrupt any speaker, including the President, to raise a "Point of Order" for correcting the procedure of the meeting.

Member: Point of Order!

President: What is your Point of Order?

Member: A new motion is being proposed before voting on the previous motion.

The President must rule on the Point of Order and take appropriate action.

Appendix C: Kansas Public Library Standards

Kansas Public Library Standards 2012

[See <http://systems.mykansalibrary.org/> for complete standards.]

Appendix D: Library Bill of Rights

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

- I. 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.
- II. 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.
- III. Libraries should challenge censorship in the fulfillment of their responsibility to provide information and enlightenment.
- IV. Libraries should cooperate with all persons and groups concerned with resisting abridgment of free expression and free access to ideas.
- V. A person's right to use a library should not be denied or abridged because of origin, age, background, or views.
- VI. 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 of individuals or groups requesting their use.

Adopted June 19, 1939. Amended October 14, 1944; June 18, 1948; February 2, 1961; June 27, 1967; and January 23, 1980; inclusion of "age" reaffirmed January 23, 1996, by the ALA Council.

Appendix E: Pew Research

<i>Table 2</i>		High	Medium	Low	No
Lifestyle	Married	51%	49%	43%	46%
	Parent with minor	38%	29%	24%	26%
	Employed	63%	57%	51%	49%
	Student	20%	15%	15%	8%
Libraries interaction	Live with 5 miles of library	88%	52%	50%	49%
	Visiting library is “very easy”	79%	57%	42%	40%
	Have library cards	94%	57%	36%	28%
	Visited library or Website past year	97%	50%	37%	0%
	Parents have children using library	93%	63%	NA	43%
	Know all/most programs offered	40%	20%	11%	NA
Appreciation of library services	Reads books daily in any format	69%	37%	34%	28%
	Reads news daily in any format	69%	62%	58%	46%
	Watches TV and movies	74%	80%	75%	82%
	Claim having a quiet safe place is “very important”	63%	50%	42%	27%
	Claim free books and media is “very important”	75%	49%	37%	28%
	Claim children programs are “very important”	56%	43%	34%	27%
	Claim adult programs are “very important”	36%	26%	20%	20%
	Would get help learning new technology	40%	50%	46%	62%
	Would get help using social media	19%	30%	29%	41%
	Would get help filing taxes	58%	67%	69%	79%
	Would get help applying for gov. services	47%	56%	57%	67%
Cultural events	Regularly visits museums, galleries, historic sites	45%	26%	25%	16%
	Regularly goes to concerts, plays, dance performances	42%	24%	26%	21%
	Regularly attends sporting events	38%	34%	27%	23%
Technology use	Uses Internet daily	87%	78%	79%	70%
	Uses mobile Internet on smartphones or tablets	70%	66%	65%	50%
	Uses social networking, e.g., Facebook, Instagram	75%	71%	71%	69%
	Uses Twitter (currently popular social networking)	23%	17%	18%	18%
	Owns tablet	43%	32%	30%	23%
	Owns e-reader	32%	23%	21%	15%

Appendix F: Reconsideration form

REQUEST FOR RECONSIDERATION OF LIBRARY MATERIALS (sample)

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

Title: _____

Author: _____

Publisher: _____

Request Initiated by: _____

Address: _____

City: _____ State/Zip: _____

Telephone(s): Day _____ Home _____

Whom do you represent?

_____ Yourself

_____ An Organization (Name) _____

_____ Other Group (Name) _____

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

Did you read the work in its entirety? (Circle one.) Yes No

If no, what parts did you read? _____

What do you feel might be the result of exposure to this work? _____

For what age group would you recommend this work? _____

What do you believe is the theme of this work? _____

Are you aware of judgments of this work by reviewers? (Please cite reviews.) _____

What would you like the Library to do about this work?

Lend to adults only

Restrict circulation

Return it to the library selection committee for reevaluation

Other (explain): _____

What would you recommend as a replacement for this work? _____

This form must be signed.

Signature: _____ Date: _____

Use other side of form, or additional paper, if necessary.

Appendix G: Resources

The Kansas Regional Systems' consultants, in preparing this handbook, did consult and draw from the following resources:

Virginia Public Library Trustee Handbook

Idaho Library Trustee Manual

Colorado State Library Toolbox for Library Trustees

Utah State Library Public Library Trustee Handbook

Senator Lisa Kennedy, *Lobby for Your Library: Know What Works*

"The Trustee and Intellectual Freedom" by Alex Allain and Judith Krug

Statement of the ALA Council

Kansas Public Library Handbook

Appendix H: Conflict of Interest

(Sample Policy Form)

BOARD OF TRUSTEES AND LIBRARY EMPLOYEE

CONFLICT OF INTEREST POLICY

Officers, Board Members, and Employees

No Board member or committee member of the _____ Public Library shall derive any personal profit or gain, directly or indirectly, by reason of his or her participation on the Board. Other than compensation, no employee shall derive any personal profit or gain, directly or indirectly, by reason of his or her employment by the _____ Public Library except through activities that may facilitate professional advancement or contribute to the profession such as publications and professional service and have been fully disclosed to the Board.

Each individual shall disclose to the Board any personal interest which he or she may have in any matter pending before the Board and shall refrain from participation in any decision on such matter.

Members of _____ Public Library Board, committees, and staff shall refrain from obtaining any list of library patrons that results in personal benefit.

Statement of Associations

This is to certify that I, except as described on the reverse of this sheet, am not now nor at any time during the past year have been:

A participant, directly or indirectly, in any arrangement, agreement, investment, or other activity with any vendor, supplier, or other party doing business with _____ Public Library that has resulted or could result in personal benefit to me.

Any exceptions to the above are stated on the reverse of this sheet with a full description of the transactions, whether direct or indirect, which I have (or have had during the past year) with persons or organizations having transactions with _____ Public Library.

Signature: _____ Date: _____

Printed name: _____

Appendix I: Referenced Kansas Statutes

10-1115. Treasurers not to pay orders. Unless otherwise provided in this act, it shall be unlawful after May 1, 1933, for the treasurer of any municipality to knowingly pay any order, warrant, check or other evidence of indebtedness out of the treasury of such municipality in excess of the amount of funds actually on hand in the treasury at the time for such purpose.

12-1220. Same; election to establish; tax levy, use of proceeds; library fund established; territory of existing library excluded, when. The governing body of any municipality may by resolution, and shall, upon presentation of a petition signed by ten percent (10%) of the qualified electors of such municipality determined upon the basis of the total vote cast for the secretary of state at the last preceding general election, cause to be submitted to the voters of such municipality at the first local or general election thereafter, or if the petition so requires, at a special election called for that purpose, the question of the establishment and maintenance of a library by such municipality. If a majority of the votes cast at such election on such proposition shall be in the affirmative, the governing body shall forthwith establish such library and is hereby authorized to and shall annually levy a tax for the maintenance of such library in such sum as the library board shall determine within the limitations fixed by law and to pay a portion of the principal and interest on bonds issued under the authority of K.S.A. 12-1774, and amendments thereto, by cities located in the county.

Such tax shall be levied and collected in like manner as other taxes of the municipality and, except for an amount to pay a portion of the principal and interest on bonds issued under the authority of K.S.A. 12-1774, and amendments thereto, by cities located in the county, shall be kept in a separate fund to be known as the library fund of such municipality. If the territory of the municipality includes another municipality which is then maintaining a library, the proposition to establish a library by the larger municipality shall not be voted upon by the residents of the included municipality, nor shall a levy to establish or maintain such library be assessed against property therein, unless the library board and governing body of the included municipality shall give notice in writing that they desire to participate in the library to be established and to pay the tax for the establishment and maintenance thereof as other parts of the municipality establishing such library.

12-1217. Maintenance and support of library; certain capital improvements or major equipment purchases. As used in this act, the words "maintenance and support" shall include the general and usual cost and expense of operating such free public library but shall not include the cost of erecting or equipping a public building therefor or the cost of a site for such building, except in any city having a population of more than 35,000 and not more than 150,000 where such free public library occupies a public building upon a site acquired therefor and which public building and site are free from any bonded indebtedness, then not to exceed 20% of any annual budget prepared, published and approved by the board of directors may be allocated to a special accruing fund for the cost of erecting and equipping any addition to, or branch of, such free public library and for the acquisition of any additional site required for the erection of any such addition, branch or parking facility for use by the patrons of such library. Expenses for major capital improvements or major equipment purchases to cover such matters as, but not limited to, major roof repair, new computerized circulation or security systems and bookmobile replacement may also be paid with funds from the special accruing fund.

12-1222. City, county and township libraries; board; appointment; terms; eligibility; vacancies; expenses. Subject to the provisions of K.S.A. 2015 Supp. 12-16,128, and amendments thereto, upon the establishment of a library under this act the official head of a municipality shall appoint, with the approval of the governing body, a library board for such library. In the case of a county, except for Johnson county, or township library five members shall be appointed, one for a term expiring the first April 30 following date of appointment, one for a term expiring the second April 30, following date of appointment, one for a term expiring the third April 30 following date of appointment, and two for terms expiring the fourth April 30 following date of appointment. In the case of a city library seven members shall be appointed, one for a term expiring the first April 30 following date of appointment, two for terms expiring the second April 30 following date of appointment, two for terms expiring the third April 30 following date of appointment, and two for terms expiring the fourth April 30 following date of appointment. The governing body of any city may, as an alternative to the membership hereinabove provided for, appoint 10 members to the city library board, which members shall have terms as follows: Six of such members first appointed shall serve for terms of four years

and four of such members first appointed shall serve for terms of two years; thereafter, upon the expiration of the terms, successors shall be appointed in each odd-numbered year to fill the vacancies created, and thereafter each member shall serve for a term of four years. In addition to the appointed members of the board the official head of the municipality shall be ex officio a member of the library board with the same powers as appointed members, but no person holding any office in the municipality shall be appointed a member while holding such office.

Seven members shall be appointed to the Johnson county library board. Such members, when first appointed, shall have terms as follows: One for a term expiring the first April 30 following date of appointment, two for terms expiring the second April 30 following date of appointment, two for terms expiring the third April 30 following date of appointment, and two for terms expiring the fourth April 30 following date of appointment.

Upon the expiration of the terms of members first appointed succeeding members shall be appointed in like manner for terms of four years. Members of library boards holding office at the effective date of this act shall continue to hold their offices until April 30 following the expiration of the terms for which appointed, and on or before May 1 following the first expiration of a term a sufficient number shall be appointed by the official head of the municipality with the approval of the governing body for terms of four years to constitute a library board of the number of members prescribed by this act.

All members appointed to a library board shall be residents of the municipality. Vacancies occasioned by removal from the municipality, resignation or otherwise, shall be filled by appointment for the unexpired term. No person who has been appointed for two consecutive four-year terms to a library board shall be eligible for further appointment to such board until one year after the expiration of the second term. Appointments made prior to the effective date of this act shall not be counted in determining eligibility for appointment hereunder. Members of library boards shall receive no compensation for their services as such but shall be allowed their actual and necessary expenses in attending meetings and in carrying out their duties as members.

12-1223. Same; Johnson county; corporate status of library board. (a) Except as provided by subsection (b), the library board of a library established under, or governed by the provisions of this act shall constitute a body corporate and politic, possessing the usual powers of a corporation for public purposes, under the name and style of "the board of directors of _____ (name of municipality) library" and under such name may contract, sue and be sued and acquire, hold and convey real and personal property in accordance with law. The acquisition or disposition of real property shall be subject to the approval of the governing body of the municipality.

(b) In Johnson county, the library board shall constitute a body corporate and politic possessing the usual powers of a corporation for public purposes, under the name and type of "the board of directors of _____ (name of municipality) library" and under such name may contract, acquire, hold and convey real and personal property in accordance with the law. The acquisition or disposition of real property shall be subject to the approval of the board of county commissioners. The library board in such county may sue with permission of the board of county commissioners, by resolution, and be sued only in the name of "The Board of County Commissioners of the County of _____;" pursuant to K.S.A. 19-105, and amendments thereto.

12-1224. Same; officers of board; meetings; notice. The members of a library board shall, immediately after their appointment and annually thereafter, meet and organize by the election of a Chairman, a secretary and a treasurer and such other officers as they may deem necessary. The board shall fix the date and place of its regular meetings and special meetings may be called by the Chairman or upon written request of a majority of the members. Written notice, stating the 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 transacted at such meeting.

12-1225. Powers and duties of board. Library boards shall have the following powers and duties: (a) To make and adopt rules and regulations for the administration of the library;

(b) 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;

(c) 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 service;

- (d) to employ a librarian and such other employees as the board deems necessary and to remove them and to fix their compensation, except as provided in K.S.A. 12-1225b;
- (e) 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;
- (f) to contract with other libraries established under the provisions of this act or with the governing body of a municipality not maintaining a public library for the furnishing of library service to the inhabitants of such municipality to the extent and upon such terms as may be agreed upon, 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;
- (g) to receive, accept and administer any money appropriated or granted to it by the state or the federal government or any agency thereof for the purpose of aiding or providing library service;
- (h) 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;
- (i) to make annual reports to the state librarian and the governing body of the municipality on or before January 31 of each year for the preceding calendar year, showing receipts and disbursements from all funds under its control, and showing such statistical information relating to library materials acquired and on hand, number of library users, library services available, and other information of general interest as the governing body requires;
- (j) as to money received from sources other than a tax levy for library purposes, in its discretion, to place such money in a separate fund or funds, or to place the money in the fund to which the tax levy money is credited unless the grantor or donor directs how and for what purpose the money shall be handled and spent.

12-1226. Treasurer of board; bond; duties; Johnson and Wyandotte counties library board

treasurer. (a) Except as provided by this section, the treasurer of the library board shall give bond, in an amount fixed by the board and approved by the governing body of the municipality, for the safekeeping and due disbursement of all funds that may come into the treasurer's hands. The bonds shall be filed with the clerk of the municipality. Except where otherwise provided by law, the treasurer of the municipality shall pay over to the treasurer of the library board all funds collected for the maintenance of the library, and the treasurer of the library board shall pay out the funds on orders of the board signed by the secretary and Chairperson thereof. Such treasurer shall keep an accurate record of all moneys received and disbursed thereby and make a report thereof to the library board monthly, or as often as the board requires.

12-1230. Contracts for library service; tax levy, use of proceeds. 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 the costs of such library service the municipality is hereby authorized to levy a tax in the amount authorized to be levied by such municipality for the establishment and maintenance of a library and, in the case of cities and counties, to pay a portion of the principal and interest on bonds issued under the authority of K.S.A. 12-1774, and amendments thereto, by cities located in the county.

12-1232. Same; appointment of board; terms; vacancies; eligibility. The library board of a regional library shall consist of six appointed members and, in addition thereto, the official head of each participating county or township shall appoint a member of the governing body to be an ex officio member with the same powers as appointed members. Each county or township participating in a regional library shall be equally represented on the library board, but in case such uniform representation cannot be obtained because of the number of counties or townships participating, the governing body shall agree on a method of rotating representation among the participating counties or townships. The official head of each participating county or township, with the approval of the governing body thereof, shall appoint the members from such county or township.

Terms of all members of the library board of any township library previously established under the authority of K.S.A. 80-804 shall expire on the effective date of this act and successors to such members shall be appointed in the manner and for the terms prescribed in this section.

The members first appointed shall be appointed, one for a term expiring the first April 30th following date of appointment, two for terms expiring the second April 30th following date of appointment, one for a term expiring the third April 30th following date of appointment, and two for terms expiring the fourth April

30th following date of appointment. Upon the expiration of the terms of members first appointed, succeeding members shall be appointed in like manner for terms of four years. Vacancies occasioned by removal from the county or township, resignation or otherwise, shall be filled by appointment for the unexpired term. Except for the ex officio members of the board, no person holding any office in a participating county or township shall be a member of the library board while holding such office, and no person who has been appointed for two four-year terms to the library board shall be eligible for further appointment to such board.

12-1236. Establishment of library districts; petition; agreement to transfer city property to district, when; resolution; election, notice and conduct. Any one or more cities of the third class is hereby authorized to join with any one or more townships or portions of one or more townships in one or more counties in the creation of a library district, upon the presentation to the board of county commissioners, of the county in which such proposed library district is located, of a petition setting forth the boundaries of the proposed library district and requesting the formation of such library district. Such petition shall be signed by not less than ten percent (10%) of the qualified electors of said proposed district who reside outside the limits of the incorporated city, and a like petition signed by not less than ten percent (10%) of the qualified electors who reside within the corporate limits of a city of the third class within said proposed district. The sufficiency of such petition to be determined by the board of county commissioners, determined upon the basis of the total vote cast for secretary of state in the last preceding general election within said city of the third class and within the boundaries of said proposed district of the township or portions of townships comprised within the proposed boundaries of said library district; and in the event a portion of any township is within such proposed boundaries, the total vote cast for secretary of state in said township shall be used. If the city of the third class within the boundaries of said library district owns and is operating a library at the time said petitions are filed, said petitions shall be accompanied by a copy of a resolution adopted by the governing body of said city of the third class within such district; such resolution shall state that said city of the third class agrees, upon the creation of the proposed library district, to convey, assign and transfer to said library district all books, equipment, moneys, endowment funds and all other assets of said city library, to and for the use of said proposed library district. The governing body of such city of the third class located within said library district is hereby authorized to adopt such a resolution, and upon the creation of said library district by the board of county commissioners the governing body of such city, in conformity with such resolution, is hereby authorized to make and execute the necessary assignments and conveyances to transfer to such library district all property and assets of said city library. The board of county commissioners of the county in which such proposed library district is located shall, at its next regular meeting following the filing of such petition, examine said petition and determine its sufficiency. If the board finds that said petition is regular and in due form, as herein provided, it shall cause to be submitted to the voters of such proposed district, at a special election called for the purpose of voting upon the question, the establishment and maintenance of a library by such proposed library district. A notice of such election shall be given by publication of such notice in a newspaper having general circulation within the boundaries of such proposed district. Said notice of election shall be published in two successive issues of such newspaper and such election shall be held within seven (7) days after the last publication of such notice. Such notice of election shall be signed by the board of county commissioners and such election shall be conducted by and under the supervision of the county clerk of said county in the manner provided by law for the conduct of general elections. The county clerk shall determine the number of voting precincts needed within such proposed district, at least one of which precincts shall be in the corporate limits of the third-class city in said proposed library district, and shall designate and appoint the election board, or boards, to serve at the voting precinct or precincts within such proposed library district.

12-1243. Same; regular and special meetings. The library board shall fix the date and place of its regular meetings, and special meetings may be called by the Chairman of said board, and shall be called by the Chairman upon the written request of a majority of the board members. Written notice stating the 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 days in advance of such meeting, and no business other than that stated in the notice shall be transacted at such special meeting.

12-1258. Public libraries; capital improvement fund. The library board of any public library is hereby authorized to direct a transfer annually from the general operating fund of such library not to exceed 10% of the amount of money credited to such fund to a capital improvement fund. All money credited to such fund

shall be used by the library board for the purpose of improving, furnishing, equipping, remodeling or making additions to the library. Such fund shall not be subject to the provisions of K.S.A. 79-2925 to 79-2937, and amendments thereto. 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 and such retransfer and expenditure thereof shall be subject to the provisions of K.S.A. 79-2925 to 79-2937, and amendments thereto.

In making the budget of the library, the amounts credited to, and the amount on hand in, the capital improvement fund and the amount expended therefrom shall be shown on the budget for the information of the taxpayers of the municipality in which the library is located. Moneys in such fund may be invested in accordance with the provisions of K.S.A. 10-131, and amendments thereto, with interest thereon credited to such fund.

12-1675. Investment of public moneys by governmental subdivisions, units and entities; conditions and limitations; reciprocal deposit programs.

(a) The governing body of any county, city, township, school district, area vocational-technical school, community college, firemen's relief association, community mental health center, community facility for people with intellectual disability or any other governmental entity, unit or subdivision in the state of Kansas having authority to receive, hold and expend public moneys or funds may invest any moneys which are not immediately required for the purposes for which the moneys were collected or received, and the investment of which is not subject to or regulated by any other statute.

(b) Such moneys shall be invested only:

(1) In temporary notes or no-fund warrants issued by such investing governmental unit;

(2) in savings deposits, demand deposits, time deposit, open accounts, certificates of deposit or time certificates of deposit with maturities of not more than two years: (A) In banks, savings and loan associations and savings banks, which have main or branch offices located in such investing governmental unit; or (B) if no main or branch office of a bank, savings and loan association or savings bank is located in such investing governmental unit, then in banks, savings and loan associations and savings banks, which have main or branch offices in the county or counties in which all or part of such investing governmental unit is located;

(3) in repurchase agreements with: (A) Banks, savings and loan associations and savings banks, which have main or branch offices located in such investing governmental unit, for direct obligations of, or obligations that are insured as to principal and interest by, the United States government or any agency thereof; or (B) (i) if no main or branch office of a bank, savings and loan association or savings bank, is located in such investing governmental unit; or (ii) if no such bank, savings and loan association or savings bank having a main or branch office located in such investing governmental unit is willing to enter into such an agreement with the investing governmental unit at an interest rate equal to or greater than the investment rate, as defined in subsection (g) of K.S.A. 12-1675a, and amendments thereto, then such repurchase agreements may be entered into with banks, savings and loan associations or savings banks which have main or branch offices in the county or counties in which all or part of such investing governmental unit is located; or (C) if no bank, savings and loan association or savings bank, having a main or branch office in such county or counties is willing to enter into such an agreement with the investing governmental unit at an interest rate equal to or greater than the investment rate, as defined in subsection (g) of K.S.A. 12-1675a, and amendments thereto, then such repurchase agreements may be entered into with banks, savings and loan associations or savings banks located within this state;

(4) in direct obligations of or obligations that are insured as to principal and interest by the United States or any agency thereof, not including mortgage-backed securities with maturities as the governing body shall determine, but not exceeding two years. Such investment transactions shall only be conducted with banks, savings and loan associations and savings banks; the federal reserve bank of Kansas City, Missouri; or with primary government securities dealers which report to the market report division of the federal reserve bank of New York, or any broker-dealer engaged in the business of selling government securities which is registered in compliance with the requirements of section 15 or 15C of the securities exchange act of 1934 and registered pursuant to K.S.A. 17-12a401, and amendments thereto;

(5) in the municipal investment pool fund established in K.S.A. 12-1677a, and amendments thereto;

(6) in the investments authorized and in accordance with the conditions prescribed in K.S.A. 12-1677b, and amendments thereto;

(7) in multiple municipal client investment pools managed by the trust departments of banks which have main or branch offices located in the county or counties where such investing governmental unit is located or with trust companies incorporated under the laws of this state which have contracted to provide trust services

under the provisions of K.S.A. 9-2107, and amendments thereto, with banks which have main or branch offices located in the county or counties in which such investing governmental unit is located. Public moneys invested under this paragraph shall be secured in the same manner as provided for under K.S.A. 9-1402, and amendments thereto. Pooled investments of public moneys made by trust departments under this paragraph shall be subject to the same terms, conditions and limitations as are applicable to the municipal investment pool established by K.S.A. 12-1677a, and amendments thereto; or

(8) municipal bonds or other obligations issued by any municipality of the state of Kansas as defined in K.S.A. 10-1101, and amendments thereto, which are general obligations of the municipality issuing the same.

(c) The investments authorized in paragraphs (4), (5), (6), (7) or (8) of subsection (b) shall be utilized only if the banks, savings and loan associations and savings banks eligible for investments authorized in paragraph (2) of subsection (b), cannot or will not make the investments authorized in paragraph (2) of subsection (b) available to the investing governmental unit at interest rates equal to or greater than the investment rate, as defined in subsection (g) of K.S.A. 12-1675a, and amendments thereto.

(d) In selecting a depository pursuant to paragraph (2) of subsection (b), if a bank, savings and loan association or savings bank eligible for an investment deposit thereunder has an office located in the investing governmental unit and such financial institution will make such deposits available to the investing governmental unit at interest rates equal to or greater than the investment rate, as defined in subsection (g) of K.S.A. 12-1675a, and amendments thereto, and such financial institution otherwise qualifies for such deposit, the investing governmental unit shall select one or more of such eligible financial institutions for deposit of funds pursuant to this section. If no such financial institution qualifies for such deposits, the investing governmental unit may select for such deposits one or more eligible banks, savings and loan associations or savings banks which have offices in the county or counties in which all or a part of such investing governmental unit is located which will make such deposits available to the investing governmental unit at interest rates equal to or greater than the investment rate, as defined in subsection (g) of K.S.A. 12-1675a, and amendments thereto, and which otherwise qualify for such deposits.

(e) (1) All security purchases and repurchase agreements shall occur on a delivery versus payment basis.

(2) All securities, including those acquired by repurchase agreements, shall be perfected in the name of the investing governmental unit and shall be delivered to the purchaser or a third-party custodian which may be the state treasurer.

(f) Public moneys deposited pursuant to subsection (b)(2) of K.S.A. 12-1675, and amendments thereto, by the governing body of any governmental unit listed in subsection (a) of K.S.A. 12-1675, and amendments thereto, through a selected bank, savings and loan association or savings bank which is part of a reciprocal deposit program in which the bank, savings and loan association or savings bank:

(1) Receives reciprocal deposits from other participating institutions located in the United States in an amount equal to the amount of funds deposited by the municipal corporation or quasi-municipal corporation; and

(2) for which the total cumulative amount of each deposit does not exceed the maximum deposit insurance amount for one depositor at one financial institution as determined by the federal deposit insurance corporation.

Such deposits shall not be treated as securities and need not be secured as provided in this or any other act.

12-16,102. Employee benefits contribution fund in certain taxing subdivisions; tax levy; use of proceeds; use of trust fund to hold and invest postemployment benefits funds, management of trust fund.

(a) Except as provided in this section, "taxing subdivision" means any city, county, township or other political subdivision of the state of Kansas having authority to levy taxes on taxable tangible property. A community college district shall not be considered a taxing subdivision for the purpose of this section. A school district shall not be considered a taxing subdivision for the purpose of this section except that any school district operating a public library pursuant to K.S.A. 72-1623, and amendments thereto, for that purpose, shall be considered a taxing subdivision for the purpose of this section.

(b) For purposes of this section, "other postemployment benefits" means any postemployment healthcare, life insurance and other benefits provided by a taxing subdivision, other than pension benefits, so long as such benefits are provided separately from a pension plan.

(c) Any taxing subdivision may create and establish employee benefits contribution funds, including pension, retirement or other postemployment benefits funds, for (1) the taxing subdivision or (2) any political subdivision for which a tax is levied by such taxing subdivision for the purpose of paying the employer's share of any employee benefits, including pensions, retirement or other postemployment 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 taxing subdivision may receive and place in such funds any moneys from any source whatsoever which may be lawfully utilized for the purposes stated in the ordinance or resolution creating such funds, including the proceeds of tax levies authorized by law for such purposes.

(d) The governing body of any taxing subdivision having established employee benefits funds, including pension, retirement or other postemployment benefits funds under subsection (c) is hereby authorized to levy an annual tax upon all taxable tangible property within the taxing subdivision in an amount determined by the governing body to be necessary for the purposes for which such funds were created and to pay a portion of the principal and interest on bonds issued under the authority of K.S.A. 12-1774, and amendments thereto, by cities located in the county.

(e) (1) For the purpose of holding and investing the assets of other postemployment benefits funds, and notwithstanding the provisions of any statute, any taxing subdivision may, by ordinance or resolution, either establish one or more trust funds or determine to participate in a multi-employer trust fund.

(2) Each taxing subdivision establishing or participating in such a trust fund shall provide for the management and investment of such funds and any such trust. The taxing subdivision may establish a board or commission or designate an existing board or commission to manage the trust and invest the trust funds. Each taxing subdivision that chooses to establish or designate such a board or commission shall provide for the organization of and the manner of election or appointment of the members of such board or commission.

(3) Notwithstanding any limitations on the investment of municipal funds set forth in K.S.A. 12-1675, and amendments thereto, funds held in any such trust may be invested in accordance with the terms of such other postemployment benefit plans, as such terms may be amended from time to time. The investment and management of the assets of any such trust shall be in compliance with the prudent investor rule as set forth in K.S.A. 58-24a01 to 58-24a19, inclusive, and amendments thereto.

(f) The trust funds created pursuant to subsection (e) or in which money from other postemployment benefit funds is held and invested pursuant to subsection (e) shall not be subject to the provisions of K.S.A. 79-2925 through 79-2937, and amendments thereto. The taxing subdivision may receive and place in such trust funds any moneys from any source that may be lawfully utilized for the purposes stated in the ordinance or resolution creating such trust funds, including transfers from employee benefit funds established for other postemployment benefits.

(g) The provisions of subsections (c) and (e) of this section shall not operate to invalidate the establishment by any municipality or subdivision thereof, pursuant to the provisions of any statute, ordinance or resolution, of any other postemployment benefit system duly established prior to effective date of this act or of any trust duly established or board or commission duly established or designated prior to the effective date of this act with respect to other postemployment benefit systems.

21-6401. Promoting obscenity; promoting obscenity to minors. (a) Promoting obscenity is recklessly:

(1) Manufacturing, mailing, transmitting, publishing, distributing, presenting, exhibiting or advertising any obscene material or obscene device;

(2) possessing any obscene material or obscene device with intent to mail, transmit, publish, distribute, present, exhibit or advertise such material or device;

(3) offering or agreeing to manufacture, mail, transmit, publish, distribute, present, exhibit or advertise any obscene material or obscene device; or

(4) producing, presenting or directing an obscene performance or participating in a portion thereof which is obscene or which contributes to its obscenity.

(b) Promoting obscenity to minors is promoting obscenity, as defined in subsection (a), where a recipient of the obscene material or obscene device or a member of the audience of an obscene performance is a child under the age of 18 years.

(c) (1) Promoting obscenity is a:

(A) Class A nonperson misdemeanor, except as provided in (c)(1)(B); and

(B) severity level 9, person felony upon a second or subsequent conviction.

(2) Promoting obscenity to minors is a:

(A) Class A nonperson misdemeanor, except as provided in (c)(2)(B); and

(B) severity level 8, person felony upon a second or subsequent conviction.

(3) Conviction of a violation of a municipal ordinance prohibiting acts which constitute promoting obscenity or promoting obscenity to minors shall be considered a conviction of promoting obscenity or promoting

obscenity to minors for the purpose of determining the number of prior convictions and the classification of the crime under this section.

(d) Upon any conviction of promoting obscenity or promoting obscenity to minors, the court may require, in addition to any fine or imprisonment imposed, that the defendant enter into a reasonable recognizance with good and sufficient surety, in such sum as the court may direct, but not to exceed \$50,000, conditioned that, in the event the defendant is convicted of a subsequent offense of promoting obscenity or promoting obscenity to minors within two years after such conviction, the defendant shall forfeit the recognizance.

(e) Evidence that materials or devices were promoted to emphasize their prurient appeal shall be relevant in determining the question of the obscenity of such materials or devices. There shall be a rebuttable presumption that a person promoting obscene materials or obscene devices did so knowingly or recklessly if:

- (1) The materials or devices were promoted to emphasize their prurient appeal; or
- (2) the person is not a wholesaler and promotes the materials or devices in the course of the person's business.

(f) As used in this section:

(1) Any material or performance is "obscene" if:

(A) The average person applying contemporary community standards would find that the material or performance, taken as a whole, appeals to the prurient interest;

(B) the average person applying contemporary community standards would find that the material or performance has patently offensive representations or descriptions of:

(i) Ultimate sexual acts, normal or perverted, actual or simulated, including sexual intercourse or sodomy; or

(ii) masturbation, excretory functions, sadomasochistic abuse or lewd exhibition of the genitals; and

(C) taken as a whole, a reasonable person would find that the material or performance lacks serious literary, educational, artistic, political or scientific value;

(2) "material" means any tangible thing which is capable of being used or adapted to arouse interest, whether through the medium of reading, observation, sound or other manner;

(3) "obscene device" means a device, including a dildo or artificial vagina, designed or marketed as useful primarily for the stimulation of human genital organs, except such devices disseminated or promoted for the purpose of medical or psychological therapy;

(4) "performance" means any play, motion picture, dance or other exhibition performed before an audience;

(5) "sexual intercourse" and "sodomy" mean the same as in K.S.A. 2015 Supp. 21-5501, and amendments thereto; and

(6) "wholesaler" means a person who distributes or offers for distribution obscene materials or devices only for resale and not to the consumer and who does not manufacture, publish or produce such materials or devices.

(g) It shall be a defense to a prosecution for promoting obscenity and promoting obscenity to minors that the:

(1) Persons to whom the allegedly obscene material or obscene device was disseminated, or the audience to an allegedly obscene performance, consisted of persons or institutions having scientific, educational or governmental justification for possessing or viewing the same;

(2) 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) allegedly obscene material or obscene device was purchased, leased or otherwise acquired by a public, private or parochial school, college or university, and that such material or device 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 incidental to an approved course or program of instruction at such school.

(h) Notwithstanding the provisions of K.S.A. 2015 Supp. 21-5204, and amendments thereto, to the contrary, it shall be an affirmative defense to any prosecution for promoting obscenity to minors that:

(1) The defendant had reasonable cause to believe that the minor involved was 18 years old or over, and such minor exhibited to the defendant a draft card, driver's license, birth certificate or other official or apparently official document purporting to establish that such minor was 18 years old or more; or

(2) an exhibition in a state of nudity is for a bona fide scientific or medical purpose, or for an educational or cultural purpose for a bona fide school, museum or library.

(i) The provisions of this section and the provisions of ordinances of any city prescribing a criminal penalty for exhibit of any obscene motion picture shown in a commercial showing to the general public shall

not apply to a projectionist, or assistant projectionist, if such projectionist or assistant projectionist has no financial interest in the show or in its place of presentation other than regular employment as a projectionist or assistant projectionist and no personal knowledge of the contents of the motion picture. The provisions of this section shall not exempt any projectionist or assistant projectionist from criminal liability for any act unrelated to projection of motion pictures in commercial showings to the general public.

45-216. Public policy that records be open. (a) It is declared to be the public policy of the state that public records shall be open for inspection by any person unless otherwise provided by this act, and this act shall be liberally construed and applied to promote such policy.

(b) Nothing in this act shall be construed to require the retention of a public record nor to authorize the discard of a public record.

45-217. Definitions. As used in the open records act, unless the context otherwise requires:

(a) "Business day" means any day other than a Saturday, Sunday or day designated as a holiday by the congress of the United States, by the legislature or governor of this state or by the respective political subdivision of this state.

(b) "Clearly unwarranted invasion of personal privacy" means revealing information that would be highly offensive to a reasonable person, including information that may pose a risk to a person or property and is not of legitimate concern to the public.

(c) "Criminal investigation records" means records of an investigatory agency or criminal justice agency as defined by K.S.A. [22-4701](#), and amendments thereto, compiled in the process of preventing, detecting or investigating violations of criminal law, but does not include police blotter entries, court records, rosters of inmates of jails or other correctional or detention facilities or records pertaining to violations of any traffic law other than vehicular homicide as defined by K.S.A. [21-3405](#), prior to its repeal, or K.S.A. 2015 Supp. [21-5406](#), and amendments thereto.

(d) "Custodian" means the official custodian or any person designated by the official custodian to carry out the duties of custodian of this act.

(e) "Official custodian" means any officer or employee of a public agency who is responsible for the maintenance of public records, regardless of whether such records are in the officer's or employee's actual personal custody and control.

(f) (1) "Public agency" means the state or any political or taxing subdivision of the state or any office, officer, agency or instrumentality thereof, or any other entity receiving or expending and supported in whole or in part by the public funds appropriated by the state or by public funds of any political or taxing subdivision of the state.

(2) "Public agency" shall not include:

(A) Any entity solely by reason of payment from public funds for property, goods or services of such entity; (B) any municipal judge, judge of the district court, judge of the court of appeals or justice of the supreme court; or (C) any officer or employee of the state or political or taxing subdivision of the state if the state or political or taxing subdivision does not provide the officer or employee with an office which is open to the public at least 35 hours a week.

(g) (1) "Public record" means any recorded information, regardless of form or characteristics, which is made, maintained or kept by or is in the possession of any public agency including, but not limited to, an agreement in settlement of litigation involving the Kansas public employees retirement system and the investment of moneys of the fund.

(2) "Public record" shall not include records which are owned by a private person or entity and are not related to functions, activities, programs or operations funded by public funds or records which are made, maintained or kept by an individual who is a member of the legislature or of the governing body of any political or taxing subdivision of the state.

(3) "Public record" shall not include records of employers related to the employer's individually identifiable contributions made on behalf of employees for workers compensation, social security, unemployment insurance or retirement. The provisions of this subsection shall not apply to records of employers of lump-sum payments for contributions as described in this subsection paid for any group, division or section of an agency.

(h) "Undercover agent" means an employee of a public agency responsible for criminal law enforcement who is engaged in the detection or investigation of violations of criminal law in a capacity where such employee's identity or employment by the public agency is secret.

45-218. Inspection of records; request; response; refusal, when; fees. (a) All public records shall be open for inspection by any person, except as otherwise provided by this act, and suitable facilities shall be made available by each public agency for this purpose. No person shall removal [remove] original copies of public records from the office of any public agency without the written permission of the custodian of the record.

(b) Upon request in accordance with procedures adopted under K.S.A. [45-220](#), any person may inspect public records during the regular office hours of the public agency and during any additional hours established by the public agency pursuant to K.S.A. [45-220](#).

(c) If the person to whom the request is directed is not the custodian of the public record requested, such person shall so notify the requester and shall furnish the name and location of the custodian of the public record, if known to or readily ascertainable by such person.

(d) Each request for access to a public record shall be acted upon as soon as possible, but not later than the end of the third business day following the date that the request is received. If access to the public record is not granted immediately, the custodian shall give a detailed explanation of the cause for further delay and the place and earliest time and date that the record will be available for inspection. If the request for access is denied, the custodian shall provide, upon request, a written statement of the grounds for denial. Such statement shall cite the specific provision of law under which access is denied and shall be furnished to the requester not later than the end of the third business day following the date that the request for the statement is received.

(e) The custodian may refuse to provide access to a public record, or to permit inspection, if a request places an unreasonable burden in producing public records or if the custodian has reason to believe that repeated requests are intended to disrupt other essential functions of the public agency. However, refusal under this subsection must be sustained by preponderance of the evidence.

(f) A public agency may charge and require advance payment of a fee for providing access to or furnishing copies of public records, subject to K.S.A. [45-219](#).

45-219. Abstracts or copies of records; fees. (a) Any person may make abstracts or obtain copies of any public record to which such person has access under this act. If copies are requested, the public agency may require a written request and advance payment of the prescribed fee. A public agency shall not be required to provide copies of radio or recording tapes or discs, video tapes or films, pictures, slides, graphics, illustrations or similar audio or visual items or devices, unless such items or devices were shown or played to a public meeting of the governing body thereof, but the public agency shall not be required to provide such items or devices which are copyrighted by a person other than the public agency.

(b) Copies of public records shall be made while the records are in the possession, custody and control of the custodian or a person designated by the custodian and shall be made under the supervision of such custodian or person. When practical, copies shall be made in the place where the records are kept. If it is impractical to do so, the custodian shall allow arrangements to be made for use of other facilities. If it is necessary to use other facilities for copying, the cost thereof shall be paid by the person desiring a copy of the records. In addition, the public agency may charge the same fee for the services rendered in supervising the copying as for furnishing copies under subsection (c) and may establish a reasonable schedule of times for making copies at other facilities.

(c) Except as provided by subsection (f) or where fees for inspection or for copies of a public record are prescribed by statute, each public agency may prescribe reasonable fees for providing access to or furnishing copies of public records, subject to the following:

(1) In the case of fees for copies of records, the fees shall not exceed the actual cost of furnishing copies, including the cost of staff time required to make the information available.

(2) In the case of fees for providing access to records maintained on computer facilities, the fees shall include only the cost of any computer services, including staff time required.

(3) Fees for access to or copies of public records of public agencies within the legislative branch of the state government shall be established in accordance with K.S.A. [46-1207a](#), and amendments thereto.

(4) Fees for access to or copies of public records of public agencies within the judicial branch of the state government shall be established in accordance with rules of the supreme court.

(5) Fees for access to or copies of public records of a public agency within the executive branch of the state government shall be established by the agency head. Any person requesting records may appeal the reasonableness of the fees charged for providing access to or furnishing copies of such records to the secretary of administration whose decision shall be final. A fee for copies of public records which is equal to or less than \$.25 per page shall be deemed a reasonable fee.

(d) Except as otherwise authorized pursuant to K.S.A. [75-4215](#), and amendments thereto, each public agency within the executive branch of the state government shall remit all moneys received by or for it from fees charged pursuant to this section to the state treasurer in accordance with K.S.A. [75-4215](#), and amendments thereto. Unless otherwise specifically provided by law, the state treasurer shall deposit the entire amount thereof in the state treasury and credit the same to the state general fund or an appropriate fee fund as determined by the agency head.

(e) Each public agency of a political or taxing subdivision shall remit all moneys received by or for it from fees charged pursuant to this act to the treasurer of such political or taxing subdivision at least monthly. Upon receipt of any such moneys, such treasurer shall deposit the entire amount thereof in the treasury of the political or taxing subdivision and credit the same to the general fund thereof, unless otherwise specifically provided by law.

(f) Any person who is a certified shorthand reporter may charge fees for transcripts of such person's notes of judicial or administrative proceedings in accordance with rates established pursuant to rules of the Kansas supreme court.

(g) Nothing in the open records act shall require a public agency to electronically make copies of public records by allowing a person to obtain copies of a public record by inserting, connecting or otherwise attaching an electronic device provided by such person to the computer or other electronic device of the public agency.

45-220. Procedures for obtaining access to or copies of records; request; office hours; provision of information on procedures. (a) Each public agency shall adopt procedures to be followed in requesting access to and obtaining copies of public records, which procedures shall provide full access to public records, protect public records from damage and disorganization, prevent excessive disruption of the agency's essential functions, provide assistance and information upon request and insure efficient and timely action in response to applications for inspection of public records.

(b) A public agency may require a written request for inspection of public records but shall not otherwise require a request to be made in any particular form. Except as otherwise provided by subsection (c), a public agency shall not require that a request contain more information than the requester's name and address and the information necessary to ascertain the records to which the requester desires access and the requester's right of access to the records. A public agency may require proof of identity of any person requesting access to a public record. No request shall be returned, delayed or denied because of any technicality unless it is impossible to determine the records to which the requester desires access.

(c) If access to public records of an agency or the purpose for which the records may be used is limited pursuant to K.S.A. [45-221](#) or K.S.A. 2015 Supp. [45-230](#), and amendments thereto, the agency may require a person requesting the records or information therein to provide written certification that:

- (1) The requester has a right of access to the records and the basis of that right; or
- (2) the requester does not intend to, and will not: (A) Use any list of names or addresses contained in or derived from the records or information for the purpose of selling or offering for sale any property or service to any person listed or to any person who resides at any address listed; or (B) sell, give or otherwise make available to any person any list of names or addresses contained in or derived from the records or information for the purpose of allowing that person to sell or offer for sale any property or service to any person listed or to any person who resides at any address listed.

(d) A public agency shall establish, for business days when it does not maintain regular office hours, reasonable hours when persons may inspect and obtain copies of the agency's records. The public agency may require that any person desiring to inspect or obtain copies of the agency's records during such hours so notify the agency, but such notice shall not be required to be in writing and shall not be required to be given more than 24 hours prior to the hours established for inspection and obtaining copies.

(e) Each official custodian of public records shall designate such persons as necessary to carry out the duties of custodian under this act and shall ensure that a custodian is available during regular business hours of the public agency to carry out such duties.

(f) Each public agency shall provide, upon request of any person, the following information:

- (1) The principal office of the agency, its regular office hours and any additional hours established by the agency pursuant to subsection (c).
- (2) The title and address of the official custodian of the agency's records and of any other custodian who is ordinarily available to act on requests made at the location where the information is displayed.
- (3) The fees, if any, charged for access to or copies of the agency's records.

(4) The procedures to be followed in requesting access to and obtaining copies of the agency's records, including procedures for giving notice of a desire to inspect or obtain copies of records during hours established by the agency pursuant to subsection (c).

(g) Except for requests of summary data compiled from information submitted by multiple criminal justice agencies or as otherwise provided by law, requests for records submitted to the central repository or any other repositories supporting the criminal justice information system which are maintained by the Kansas bureau of investigation pursuant to K.S.A. [22-4704](#) and [22-4705](#), and amendments thereto, shall be directed to the criminal justice agency from which the records originated.

(h) As used in this section, the terms "central repository," "criminal justice agency" and "criminal justice information system" have the same meanings as defined in K.S.A. [22-4701](#), and amendments thereto.

45-221. Certain records not required to be open; separation of open and closed information required; statistics and records over 70 years old open. (a) Except to the extent disclosure is otherwise required by law, a public agency shall not be required to disclose:

(1) Records the disclosure of which is specifically prohibited or restricted by federal law, state statute or rule of the Kansas supreme court or rule of the senate committee on confirmation oversight relating to information submitted to the committee pursuant to K.S.A. 2015 Supp. [75-4315d](#), and amendments thereto, or the disclosure of which is prohibited or restricted pursuant to specific authorization of federal law, state statute or rule of the Kansas supreme court or rule of the senate committee on confirmation oversight relating to information submitted to the committee pursuant to K.S.A. 2015 Supp. [75-4315d](#), and amendments thereto, to restrict or prohibit disclosure.

(2) Records which are privileged under the rules of evidence, unless the holder of the privilege consents to the disclosure.

(3) Medical, psychiatric, psychological or alcoholism or drug dependency treatment records which pertain to identifiable patients.

(4) Personnel records, performance ratings or individually identifiable records pertaining to employees or applicants for employment, except that this exemption shall not apply to the names, positions, salaries or actual compensation employment contracts or employment-related contracts or agreements and lengths of service of officers and employees of public agencies once they are employed as such.

(5) Information which would reveal the identity of any undercover agent or any informant reporting a specific violation of law.

(6) Letters of reference or recommendation pertaining to the character or qualifications of an identifiable individual, except documents relating to the appointment of persons to fill a vacancy in an elected office.

(7) Library, archive and museum materials contributed by private persons, to the extent of any limitations imposed as conditions of the contribution.

(8) Information which would reveal the identity of an individual who lawfully makes a donation to a public agency, if anonymity of the donor is a condition of the donation, except if the donation is intended for or restricted to providing remuneration or personal tangible benefit to a named public officer or employee.

(9) Testing and examination materials, before the test or examination is given or if it is to be given again, or records of individual test or examination scores, other than records which show only passage or failure and not specific scores.

(10) Criminal investigation records, except as provided herein. The district court, in an action brought pursuant to K.S.A. [45-222](#), and amendments thereto, may order disclosure of such records, subject to such conditions as the court may impose, if the court finds that disclosure:

(A) Is in the public interest;

(B) would not interfere with any prospective law enforcement action, criminal investigation or prosecution;

(C) would not reveal the identity of any confidential source or undercover agent;

(D) would not reveal confidential investigative techniques or procedures not known to the general public;

(E) would not endanger the life or physical safety of any person; and

(F) would not reveal the name, address, phone number or any other information which specifically and individually identifies the victim of any sexual offense in article 35 of chapter 21 of the Kansas Statutes Annotated, prior to their repeal, or article 55 of chapter 21 of the Kansas Statutes Annotated, and amendments thereto.

If a public record is discretionarily closed by a public agency pursuant to this subsection, the record custodian, upon request, shall provide a written citation to the specific provisions of paragraphs (A) through (F) that necessitate closure of that public record.

- (11) Records of agencies involved in administrative adjudication or civil litigation, compiled in the process of detecting or investigating violations of civil law or administrative rules and regulations, if disclosure would interfere with a prospective administrative adjudication or civil litigation or reveal the identity of a confidential source or undercover agent.
- (12) Records of emergency or security information or procedures of a public agency, or plans, drawings, specifications or related information for any building or facility which is used for purposes requiring security measures in or around the building or facility or which is used for the generation or transmission of power, water, fuels or communications, if disclosure would jeopardize security of the public agency, building or facility.
- (13) The contents of appraisals or engineering or feasibility estimates or evaluations made by or for a public agency relative to the acquisition of property, prior to the award of formal contracts therefor.
- (14) Correspondence between a public agency and a private individual, other than correspondence which is intended to give notice of an action, policy or determination relating to any regulatory, supervisory or enforcement responsibility of the public agency or which is widely distributed to the public by a public agency and is not specifically in response to communications from such a private individual.
- (15) Records pertaining to employer-employee negotiations, if disclosure would reveal information discussed in a lawful executive session under K.S.A. [75-4319](#), and amendments thereto.
- (16) Software programs for electronic data processing and documentation thereof, but each public agency shall maintain a register, open to the public, that describes:
- (A) The information which the agency maintains on computer facilities; and
 - (B) the form in which the information can be made available using existing computer programs.
- (17) Applications, financial statements and other information submitted in connection with applications for student financial assistance where financial need is a consideration for the award.
- (18) Plans, designs, drawings or specifications which are prepared by a person other than an employee of a public agency or records which are the property of a private person.
- (19) Well samples, logs or surveys which the state corporation commission requires to be filed by persons who have drilled or caused to be drilled, or are drilling or causing to be drilled, holes for the purpose of discovery or production of oil or gas, to the extent that disclosure is limited by rules and regulations of the state corporation commission.
- (20) Notes, preliminary drafts, research data in the process of analysis, unfunded grant proposals, memoranda, recommendations or other records in which opinions are expressed or policies or actions are proposed, except that this exemption shall not apply when such records are publicly cited or identified in an open meeting or in an agenda of an open meeting.
- (21) Records of a public agency having legislative powers, which records pertain to proposed legislation or amendments to proposed legislation, except that this exemption shall not apply when such records are:
- (A) Publicly cited or identified in an open meeting or in an agenda of an open meeting; or
 - (B) distributed to a majority of a quorum of any body which has authority to take action or make recommendations to the public agency with regard to the matters to which such records pertain.
- (22) Records of a public agency having legislative powers, which records pertain to research prepared for one or more members of such agency, except that this exemption shall not apply when such records are:
- (A) Publicly cited or identified in an open meeting or in an agenda of an open meeting; or
 - (B) distributed to a majority of a quorum of any body which has authority to take action or make recommendations to the public agency with regard to the matters to which such records pertain.
- (23) Library patron and circulation records which pertain to identifiable individuals.
- (24) Records which are compiled for census or research purposes and which pertain to identifiable individuals.
- (25) Records which represent and constitute the work product of an attorney.
- (26) Records of a utility or other public service pertaining to individually identifiable residential customers of the utility or service.
- (27) Specifications for competitive bidding, until the specifications are officially approved by the public agency.
- (28) Sealed bids and related documents, until a bid is accepted or all bids rejected.
- (29) Correctional records pertaining to an identifiable inmate or release, except that:
- (A) The name; photograph and other identifying information; sentence data; parole eligibility date; custody or supervision level; disciplinary record; supervision violations; conditions of supervision, excluding requirements pertaining to mental health or substance abuse counseling; location of facility where

incarcerated or location of parole office maintaining supervision and address of a releasee whose crime was committed after the effective date of this act shall be subject to disclosure to any person other than another inmate or releasee, except that the disclosure of the location of an inmate transferred to another state pursuant to the interstate corrections compact shall be at the discretion of the secretary of corrections;

(B) the attorney general, law enforcement agencies, counsel for the inmate to whom the record pertains and any county or district attorney shall have access to correctional records to the extent otherwise permitted by law;

(C) the information provided to the law enforcement agency pursuant to the sex offender registration act, K.S.A. [22-4901](#) et seq., and amendments thereto, shall be subject to disclosure to any person, except that the name, address, telephone number or any other information which specifically and individually identifies the victim of any offender required to register as provided by the Kansas offender registration act, K.S.A. [22-4901](#) et seq., and amendments thereto, shall not be disclosed; and

(D) records of the department of corrections regarding the financial assets of an offender in the custody of the secretary of corrections shall be subject to disclosure to the victim, or such victim's family, of the crime for which the inmate is in custody as set forth in an order of restitution by the sentencing court.

(30) Public records containing information of a personal nature where the public disclosure thereof would constitute a clearly unwarranted invasion of personal privacy.

(31) Public records pertaining to prospective location of a business or industry where no previous public disclosure has been made of the business' or industry's interest in locating in, relocating within or expanding within the state. This exception shall not include those records pertaining to application of agencies for permits or licenses necessary to do business or to expand business operations within this state, except as otherwise provided by law.

(32) Engineering and architectural estimates made by or for any public agency relative to public improvements.

(33) Financial information submitted by contractors in qualification statements to any public agency.

(34) Records involved in the obtaining and processing of intellectual property rights that are expected to be, wholly or partially vested in or owned by a state educational institution, as defined in K.S.A. [76-711](#), and amendments thereto, or an assignee of the institution organized and existing for the benefit of the institution.

(35) Any report or record which is made pursuant to K.S.A. [65-4922](#), [65-4923](#) or [65-4924](#), and amendments thereto, and which is privileged pursuant to K.S.A. [65-4915](#) or [65-4925](#), and amendments thereto.

(36) Information which would reveal the precise location of an archeological site.

(37) Any financial data or traffic information from a railroad company, to a public agency, concerning the sale, lease or rehabilitation of the railroad's property in Kansas.

(38) Risk-based capital reports, risk-based capital plans and corrective orders including the working papers and the results of any analysis filed with the commissioner of insurance in accordance with K.S.A. [40-2c20](#) and [40-2d20](#), and amendments thereto.

(39) Memoranda and related materials required to be used to support the annual actuarial opinions submitted pursuant to K.S.A. [40-409](#)(b), and amendments thereto.

(40) Disclosure reports filed with the commissioner of insurance under K.S.A. [40-2,156](#)(a), and amendments thereto.

(41) All financial analysis ratios and examination synopses concerning insurance companies that are submitted to the commissioner by the national association of insurance commissioners' insurance regulatory information system.

(42) Any records the disclosure of which is restricted or prohibited by a tribal-state gaming compact.

(43) Market research, market plans, business plans and the terms and conditions of managed care or other third-party contracts, developed or entered into by the university of Kansas medical center in the operation and management of the university hospital which the chancellor of the university of Kansas or the chancellor's designee determines would give an unfair advantage to competitors of the university of Kansas medical center.

(44) The amount of franchise tax paid to the secretary of revenue or the secretary of state by domestic corporations, foreign corporations, domestic limited liability companies, foreign limited liability companies, domestic limited partnership, foreign limited partnership, domestic limited liability partnerships and foreign limited liability partnerships.

(45) Records, other than criminal investigation records, the disclosure of which would pose a substantial likelihood of revealing security measures that protect: (A) Systems, facilities or equipment used in the production, transmission or distribution of energy, water or communications services; (B) transportation and

sewer or wastewater treatment systems, facilities or equipment; or (C) private property or persons, if the records are submitted to the agency. For purposes of this paragraph, security means measures that protect against criminal acts intended to intimidate or coerce the civilian population, influence government policy by intimidation or coercion or to affect the operation of government by disruption of public services, mass destruction, assassination or kidnapping. Security measures include, but are not limited to, intelligence information, tactical plans, resource deployment and vulnerability assessments.

(46) Any information or material received by the register of deeds of a county from military discharge papers, DD Form 214. Such papers shall be disclosed: To the military dischargee; to such dischargee's immediate family members and lineal descendants; to such dischargee's heirs, agents or assigns; to the licensed funeral director who has custody of the body of the deceased dischargee; when required by a department or agency of the federal or state government or a political subdivision thereof; when the form is required to perfect the claim of military service or honorable discharge or a claim of a dependent of the dischargee; and upon the written approval of the commissioner of veterans affairs, to a person conducting research.

(47) Information that would reveal the location of a shelter or a safehouse or similar place where persons are provided protection from abuse or the name, address, location or other contact information of alleged victims of stalking, domestic violence or sexual assault.

(48) Policy information provided by an insurance carrier in accordance with K.S.A. [44-532\(h\)\(1\)](#), and amendments thereto. This exemption shall not be construed to preclude access to an individual employer's record for the purpose of verification of insurance coverage or to the department of labor for their business purposes.

(49) An individual's e-mail address, cell phone number and other contact information which has been given to the public agency for the purpose of public agency notifications or communications which are widely distributed to the public.

(50) Information provided by providers to the local collection point administrator or to the 911 coordinating council pursuant to the Kansas 911 act, and amendments thereto, upon request of the party submitting such records.

(51) Records of a public agency on a public website which are searchable by a keyword search and identify the home address or home ownership of a law enforcement officer as defined in K.S.A. 2015 Supp. [21-5111](#), and amendments thereto, parole officer, probation officer, court services officer or community correctional services officer. Such individual officer shall file with the custodian of such record a request to have such officer's identifying information restricted from public access on such public website. Within 10 business days of receipt of such requests, the public agency shall restrict such officer's identifying information from such public access. Such restriction shall expire after five years and such officer may file with the custodian of such record a new request for restriction at any time.

(52) Records of a public agency on a public website which are searchable by a keyword search and identify the home address or home ownership of a federal judge, a justice of the supreme court, a judge of the court of appeals, a district judge, a district magistrate judge, a municipal judge, the United States attorney for the district of Kansas, an assistant United States attorney, a special assistant United States attorney, the attorney general, an assistant attorney general, a special assistant attorney general, a county attorney, an assistant county attorney, a special assistant county attorney, a district attorney, an assistant district attorney, a special assistant district attorney, a city attorney, an assistant city attorney or a special assistant city attorney. Such person shall file with the custodian of such record a request to have such person's identifying information restricted from public access on such public website. Within 10 business days of receipt of such requests, the public agency shall restrict such person's identifying information from such public access. Such restriction shall expire after five years and such person may file with the custodian of such record a new request for restriction at any time.

(53) Records of a public agency that would disclose the name, home address, zip code, e-mail address, phone number or cell phone number or other contact information for any person licensed to carry concealed handguns or of any person who enrolled in or completed any weapons training in order to be licensed or has made application for such license under the personal and family protection act, K.S.A. 2015 Supp. [75-7c01](#) et seq., and amendments thereto, shall not be disclosed unless otherwise required by law.

(54) Records of a utility concerning information about cyber security threats, attacks or general attempts to attack utility operations provided to law enforcement agencies, the state corporation commission, the federal energy regulatory commission, the department of energy, the southwest power pool, the North American electric reliability corporation, the federal communications commission or any other federal, state or

regional organization that has a responsibility for the safeguarding of telecommunications, electric, potable water, waste water disposal or treatment, motor fuel or natural gas energy supply systems.

(55) Records of a public agency containing information or reports obtained and prepared by the office of the state bank commissioner in the course of licensing or examining a person engaged in money transmission business pursuant to K.S.A. [9-508](#) et seq., and amendments thereto, shall not be disclosed except pursuant to K.S.A. [9-513c](#), and amendments thereto, or unless otherwise required by law.

(b) Except to the extent disclosure is otherwise required by law or as appropriate during the course of an administrative proceeding or on appeal from agency action, a public agency or officer shall not disclose financial information of a taxpayer which may be required or requested by a county appraiser or the director of property valuation to assist in the determination of the value of the taxpayer's property for ad valorem taxation purposes; or any financial information of a personal nature required or requested by a public agency or officer, including a name, job description or title revealing the salary or other compensation of officers, employees or applicants for employment with a firm, corporation or agency, except a public agency. Nothing contained herein shall be construed to prohibit the publication of statistics, so classified as to prevent identification of particular reports or returns and the items thereof.

(c) As used in this section, the term "cited or identified" shall not include a request to an employee of a public agency that a document be prepared.

(d) If a public record contains material which is not subject to disclosure pursuant to this act, the public agency shall separate or delete such material and make available to the requester that material in the public record which is subject to disclosure pursuant to this act. If a public record is not subject to disclosure because it pertains to an identifiable individual, the public agency shall delete the identifying portions of the record and make available to the requester any remaining portions which are subject to disclosure pursuant to this act, unless the request is for a record pertaining to a specific individual or to such a limited group of individuals that the individuals' identities are reasonably ascertainable, the public agency shall not be required to disclose those portions of the record which pertain to such individual or individuals.

(e) The provisions of this section shall not be construed to exempt from public disclosure statistical information not descriptive of any identifiable person.

(f) Notwithstanding the provisions of subsection (a), any public record which has been in existence more than 70 years shall be open for inspection by any person unless disclosure of the record is specifically prohibited or restricted by federal law, state statute or rule of the Kansas supreme court or by a policy adopted pursuant to K.S.A. [72-6214](#), and amendments thereto.

(g) Any confidential records or information relating to security measures provided or received under the provisions of subsection (a)(45) shall not be subject to subpoena, discovery or other demand in any administrative, criminal or civil action.

45-222. Civil remedies to enforce act; attorney fees. (a) The district court of any county in which public records are located shall have jurisdiction to enforce the purposes of this act with respect to such records, by injunction, mandamus, declaratory judgment or other appropriate order, in an action brought by any person, the attorney general or a county or district attorney. The district court may require a defendant to complete training approved by the attorney general concerning the requirements of the open records act.

(b) In any action hereunder, the court shall determine the matter de novo. The court on its own motion, or on motion of either party, may view the records in controversy in camera before reaching a decision.

(c) In any action hereunder, or under K.S.A. 2015 Supp. [45-251](#), and amendments thereto, the burden of proof shall be on the public agency to sustain its action.

(d) In any action hereunder, the court shall award costs and a reasonable sum as an attorney's fee for services rendered in such action, including proceedings on appeal, to be recovered and collected as part of the costs to the plaintiff if the court finds that the agency's denial of access to the public record was not in good faith and without a reasonable basis in fact or law. The award shall be assessed against the public agency that the court determines to be responsible for the violation.

(e) In any action hereunder in which the defendant is the prevailing party, the court shall award to the defendant costs and a reasonable sum as an attorney's fee for services rendered in such action, including proceedings on appeal, to be recovered and collected as part of the costs if the court finds that the plaintiff maintained the action not in good faith and without a reasonable basis in fact or law.

(f) In any action hereunder brought by the attorney general or a county or district attorney, if the court finds that any provisions were violated, such court:

(1) Except as provided in subsection (f)(2), may award the attorney general's or the county or district attorney's reasonable expenses, investigation costs and attorney fees; and

(2) shall award the same if the court determines that the violation was not made in good faith and without a reasonable basis in fact or law.

(g) Except as otherwise provided by law, proceedings arising under this section shall be assigned for hearing and trial at the earliest practicable date.

(h) The provisions of subsections (d) and (e) concerning the awarding of costs and attorney fees for services rendered during an appeal shall apply only to actions which are based on causes of action accruing on or after July 1, 2004.

45-223. Civil penalties for violations. (a) Any public agency subject to this act that knowingly violates any of the provisions of this act or that intentionally fails to furnish information as required by this act shall be liable for the payment of a civil penalty in an action brought by the attorney general or a county or district attorney, in a sum set by the court of not to exceed \$500 for each violation.

(b) Any civil penalty sued for and recovered hereunder by the attorney general shall be paid into the attorney general's open government fund. Any civil penalty sued for and recovered hereunder by a county or district attorney shall be paid into the general fund of the county in which the proceedings were instigated.

54-106. Form of oath to be taken by officer. All officers elected or appointed under any law of the state of Kansas shall, before entering upon the duties of their respective offices, take and subscribe an oath or affirmation, as follows:

"I do solemnly swear [or affirm, as the case may be] that I will support the constitution of the United States and the constitution of the state of Kansas, and faithfully discharge the duties of _____. So help me God."

72-1623. U.S.D. No. 500, Kansas City; power to establish and maintain public library. The board of education of U.S.D. No. 500, Kansas City, Kansas, may establish and maintain a public library and branch libraries, expenditures for which shall be paid from the general, building, and retirement funds in the same manner as school expenditures.

72-1623a. Same; tax levy. (a) In order to maintain and support a library authorized by K.S.A. [72-1623](#), and amendments thereto, the board of education may levy annually, not to exceed 2.5 mills on each dollar of the assessed tangible valuation of the property of such district in addition to any levy otherwise authorized or by law provided, and the ad valorem receipts resulting therefrom may be in addition to any budget limitation otherwise provided for. The funds derived from the tax levies imposed under this section shall be used for libraries and library services of the school district and for the purpose of paying a portion of the principal and interest on bonds issued by cities under the authority of K.S.A. [12-1774](#), and amendments thereto, for the financing of redevelopment projects upon property located within the school district.

(b) Whenever the board of education desires to increase the mill levy above 2.5 mills and such board determines that the current tax levy is insufficient to maintain and support the library, such board may adopt a resolution declaring it necessary to increase such annual levy in an amount which together with the current levy shall not exceed a total of 4 mills. Whenever the board of education desires to increase the mill levy above 4 mills and such board determines that the current tax levy is insufficient to maintain and support the library, such board may adopt a resolution declaring it necessary to increase such annual levy by an additional amount not to exceed ¼ mill in any one year up to a total amount which shall not exceed 6 mills in any year. Any such resolution shall state the total amount of the tax to be levied for library purposes and shall be published once each week for two consecutive weeks in the official city newspaper. Whereupon such annual levy in an amount not to exceed the amount stated in the resolution may be made for the ensuing budget year and each successive budget year unless a petition requesting an election upon the proposition to increase the tax levy in excess of the current tax levy, signed by not less than 5% of the qualified electors who voted at the last preceding regular city election, as shown by the poll books, is filed with the county election officer within 60 days following the date of the last publication of the resolution. If a valid petition is filed, no such increased levy shall be made without such proposition having been submitted to and having been approved by a majority of the qualified electors voting at an election called and held thereon. All such elections shall be called and held in the manner prescribed for the calling and holding of elections upon the question of the issuance of bonds under the general bond law.

75-1120a. Uniform system of fiscal procedure, accounting and reporting for municipalities; use of generally accepted accounting principles; waivers, when. (a) Except as otherwise provided in this

section, the governing body of each municipality, as defined in K.S.A. [75-1117](#), and amendments thereto, shall utilize accounting procedures and fiscal procedures in the preparation of financial statements and financial reports that conform to generally accepted accounting principles as promulgated by the governmental accounting standards board and the American institute of certified public accountants and adopted by rules and regulations of the director of accounts and reports.

(b) The governing body of any municipality, which has aggregate annual gross receipts of less than \$275,000 and which does not operate a utility, shall not be required to maintain fixed asset records.

(c) (1) The director of accounts and reports shall waive the requirements of subsection (a) upon request therefor by the governing body of any municipality. The waiver shall be granted to the extent requested by the governing body. Prior to requesting the waiver provided for in this subsection, the governing body, by resolution, annually shall make a finding that financial statements and financial reports prepared in conformity with the requirements of subsection (a) are not relevant to the requirements of the cash-basis and budget laws of this state and are of no significant value to the governing body or members of the general public of the municipality. No governing body of a municipality shall request the waiver or adopt the resolution authorized under this subsection if the provisions of revenue bond ordinances or resolutions or other ordinances or resolutions of the municipality require financial statements and financial reports to be prepared in conformity with the requirements of subsection (a). The governing body of any municipality which is granted a waiver under this subsection shall cause financial statements and financial reports of the municipality to be prepared on the basis of cash receipts and disbursements as adjusted to show compliance with the cash-basis and budget laws of this state.

(2) The provisions of this subsection do not apply to community colleges.

(d) The director of accounts and reports shall waive the requirements of law relating to the preparation and maintenance of fixed asset records upon request therefor by the board of trustees of any community college. The waiver shall be granted to the extent and for the period of time requested by the board of trustees. Nothing contained in this subsection shall be construed so as to exempt any community college from compliance with the provisions of K.S.A. [71-211](#), and amendments thereto, which requires the use by all community colleges of a standardized and uniform chart of accounts.

75-1122. Annual audits of school districts and certain municipalities; assistance from division of accounts and reports. (a) The governing body of every unified school district, the governing body of every recreation commission having aggregate annual gross receipts in excess of \$150,000 and the governing body of all other municipalities either having aggregate annual gross receipts in excess of \$275,000 or which has general obligation or revenue bonds outstanding in excess of \$275,000 shall have its accounts examined and audited by a licensed municipal public accountant or accountants or certified public accountant or accountants at least once each year. In the case of school districts, all tax and other funds such as activity funds and accounts shall also be examined and audited.

75-2559. Same; annual expenditure reports by libraries receiving grants-in-aid. Annually, each local public library and each regional library receiving grants-in-aid under this act shall report to the state librarian the manner in which state grants-in-aid received were expended or are encumbered. The report shall cover the period from October 1 of the previous calendar year through September 30 and shall be filed with the state librarian on or before November 1 of each year.

75-4302a. Same; statement of substantial interests; individuals required to file; filing; rules and regulations; sample forms; disclosure if individual or spouse is officer of nonprofit corporation exempt from federal income taxes. (a) The statement of substantial interests shall include all substantial interests of the individual making the statement.

(b) Statements of substantial interests shall be filed by the following individuals at the times specified:

(1) By a candidate for local office who becomes a candidate on or before the filing deadline for the office, not later than 10 days after the filing deadline, unless before that time the candidacy is officially declined or rejected.

(2) By a candidate for local office who becomes a candidate after the filing deadline for the office, within five days of becoming a candidate, unless within that period the candidacy is officially declined or rejected.

(3) By an individual appointed on or before April 30 of any year to fill a vacancy in an elective office of a governmental subdivision, between April 15 and April 30, inclusive, of that year.

(4) By an individual appointed after April 30 of any year to fill a vacancy in an elective office of a governmental subdivision, within 15 days after the appointment.

(5) By any individual holding an elective office of a governmental subdivision, between April 15 and April 30, inclusive, of any year if, during the preceding calendar year, any change occurred in the individual's substantial interests.

(c) The statement of substantial interests required to be filed pursuant to this section shall be filed in the office where declarations of candidacy for the local governmental office sought or held by the individual are required to be filed.

(d) The governmental ethics commission shall adopt rules and regulations prescribing the form and the manner for filing the disclosures of substantial interests required by law. The commission shall provide samples of the form of the statement to each county election officer.

(e) If an individual or an individual's spouse holds the position of officer, director, associate, partner or proprietor in an organization exempt from federal taxation of corporations under section 501(c)(3), (4), (6), (7), (8), (10) or (19) of chapter 26 of the United States code, the individual shall comply with all disclosure provisions of subsections (a), (b), (c) and (d) of this section notwithstanding the provisions of K.S.A. 75-4301, and amendments thereto, which provide that these individuals may not have a substantial interest in these corporations.

75-4305. Same; filing of report of interest if statement of substantial interest not filed; abstaining from action. (a) Any local governmental officer or employee who has not filed a disclosure of substantial interests shall, before acting upon any matter which will affect any business in which the officer or employee has a substantial interest, file a written report of the nature of the interest with the county election officer of the county in which is located all or the largest geographical part of the officer's or employee's governmental subdivision.

(b) A local governmental officer or employee does not pass or act upon any matter if the officer or employee abstains from any action in regard to the matter.

75-4308. Oath required for public officers and employees. 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.

75-4317. Open meetings declared policy of state; citation of act. (a) In recognition of the fact that a representative government is dependent upon an informed electorate, it is declared to be the policy of this state that meetings for the conduct of governmental affairs and the transaction of governmental business be open to the public.

(b) It is declared hereby to be against the public policy of this state for any such meeting to be adjourned to another time or place in order to subvert the policy of open public meetings as pronounced in subsection (a).

75-4317a. Meeting defined. As used in the open meetings act, "meeting" means 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 public body or agency subject to this act for the purpose of discussing the business or affairs of the public body or agency.

75-4318. Meetings of state and subdivisions open to public; exceptions; secret ballots; notice; agenda, cameras, photographic lights, recording devices. (a) Subject to the provisions of subsection (g), all meetings for the conduct of the affairs of, and the transaction of business by, all legislative and administrative bodies and agencies of the state and political and taxing subdivisions thereof, including boards, commissions, authorities, councils, committees, subcommittees and other subordinate groups thereof, receiving or expending and supported in whole or in part by public funds shall be open to the public and no binding action by such public bodies or agencies shall be by secret ballot. Meetings of task forces, advisory committees or

subcommittees of advisory committees created pursuant to a governor's executive order shall be open to the public in accordance with this act.

(b) Notice of the date, time and place of any regular or special meeting of a public body or agency designated in subsection (a) shall be furnished to any person requesting such notice, except that:

(1) If notice is requested by petition, the petition shall designate one person to receive notice on behalf of all persons named in the petition, and notice to such person shall constitute notice to all persons named in the petition;

(2) if notice is furnished to an executive officer of an employees' organization or trade association, such notice shall be deemed to have been furnished to the entire membership of such organization or association; and

(3) the public body or agency may require that a request to receive notice must be submitted again to the public body or agency prior to the commencement of any subsequent fiscal year of the public body or agency during which the person wishes to continue receiving notice, but, prior to discontinuing notice to any person, the public body or agency must notify the person that notice will be discontinued unless the person resubmits a request to receive notice.

(c) It shall be the duty of the presiding officer or other person calling the meeting, if the meeting is not called by the presiding officer, to furnish the notice required by subsection (b).

(d) Prior to any meeting mentioned by subsection (a), any agenda relating to the business to be transacted at such meeting shall be made available to any person requesting the agenda.

(e) The use of cameras, photographic lights and recording devices shall not be prohibited at any meeting mentioned by subsection (a), but such use shall be subject to reasonable rules designed to insure the orderly conduct of the proceedings at such meeting.

(f) Except as provided by section 22 of article 2 of the constitution of the state of Kansas, interactive communications in a series shall be open if they collectively involve a majority of the membership of the public body or agency, share a common topic of discussion concerning the business or affairs of the public body or agency, and are intended by any or all of the participants to reach agreement on a matter that would require binding action to be taken by the public body or agency.

(g) The provisions of the open meetings law shall not apply:

(1) To any administrative body that is authorized by law to exercise quasi-judicial functions when such body is deliberating matters relating to a decision involving such quasi-judicial functions;

(2) to the prisoner review board when conducting parole hearings or parole violation hearings held at a correctional institution;

(3) to any impeachment inquiry or other impeachment matter referred to any committee of the house of representatives prior to the report of such committee to the full house of representatives; and

(4) if otherwise provided by state or federal law or by rules of the Kansas senate or house of representatives.

75-4319. Closed or executive meetings; conditions; authorized subjects for discussion; binding action prohibited; certain documents identified in meetings not subject to disclosure. (a) Upon formal motion made, seconded and carried, all public bodies and agencies subject to the open meetings act may recess, but not adjourn, open meetings for closed or executive meetings. Any motion to recess for a closed or executive meeting shall include a statement of: (1) The justification for closing the meeting; (2) the subjects to be discussed during the closed or executive meeting; and (3) the time and place at which the open meeting shall resume. Such motion, including the required statement, shall be recorded in the minutes of the meeting and shall be maintained as a part of the permanent records of the public body or agency. Discussion during the closed or executive meeting shall be limited to those subjects stated in the motion.

(b) No subjects shall be discussed at any closed or executive meeting, except the following:

(1) Personnel matters of nonelected personnel;

(2) consultation with an attorney for the public body or agency which would be deemed privileged in the attorney-client relationship;

(3) matters relating to employer-employee negotiations whether or not in consultation with the representative or representatives of the public body or agency;

(4) confidential data relating to financial affairs or trade secrets of corporations, partnerships, trusts, and individual proprietorships;

(5) matters relating to actions adversely or favorably affecting a person as a student, patient or resident of a public institution, except that any such person shall have the right to a public hearing if requested by the person;

- (6) preliminary discussions relating to the acquisition of real property;
 - (7) matters permitted to be discussed in a closed or executive meeting pursuant to K.S.A. 74-8804, and amendments thereto;
 - (8) matters permitted to be discussed in a closed or executive meeting pursuant to K.S.A. 38-2212(d)(1), and amendments thereto, or K.S.A. 38-2213(e), and amendments thereto;
 - (9) matters permitted to be discussed in a closed or executive meeting pursuant to K.S.A. 22a-243(j), and amendments thereto;
 - (10) matters permitted to be discussed in a closed or executive meeting pursuant to K.S.A. 44-596(e), and amendments thereto;
 - (11) matters permitted to be discussed in a closed or executive meeting pursuant to K.S.A. 39-7,119(g), and amendments thereto;
 - (12) matters required to be discussed in a closed or executive meeting pursuant to a tribal-state gaming compact;
 - (13) matters relating to security measures, if the discussion of such matters at an open meeting would jeopardize such security measures, that protect: (A) Systems, facilities or equipment used in the production, transmission or distribution of energy, water or communications services; (B) transportation and sewer or wastewater treatment systems, facilities or equipment; (C) a public body or agency, public building or facility or the information system of a public body or agency; or (D) private property or persons, if the matter is submitted to the public body or agency for purposes of this paragraph. For purposes of this paragraph, security means measures that protect against criminal acts intended to intimidate or coerce the civilian population, influence government policy by intimidation or coercion or to affect the operation of government by disruption of public services, mass destruction, assassination or kidnapping. Security measures include, but are not limited to, intelligence information, tactical plans, resource deployment and vulnerability assessments;
 - (14) matters permitted to be discussed in a closed or executive meeting pursuant to K.S.A. 65-525(f), and amendments thereto;
 - (15) matters permitted to be discussed in a closed or executive meeting pursuant to K.S.A. 2015 Supp. 75-7427, and amendments thereto; and
 - (16) matters permitted to be discussed in a closed or executive meeting pursuant to K.S.A. 2015 Supp. 46-3801, and amendments thereto.
- (c) No binding action shall be taken during closed or executive recesses, and such recesses shall not be used as a subterfuge to defeat the purposes of this act.
- (d)(1) Any confidential records or information relating to security measures provided or received under the provisions of subsection (b)(13), shall not be subject to subpoena, discovery or other demand in any administrative, criminal or civil action.
- (2) (A) Except as otherwise provided by law, any confidential documents, records or reports relating to the prisoner review board provided or received under the provisions of subsection (b)(16) shall not be subject to subpoena, discovery or other demand in any administrative, criminal or civil action.
- (B) Notwithstanding any other provision of law to the contrary, any summary statement provided or received under the provisions of subsection (b)(16) shall not be subject to subpoena, discovery or other demand in any administrative, criminal or civil action.

79-2925b. Approval of budgets by taxing subdivisions; requirement of majority vote, when; publication; cities and counties, requiring elections to approve certain budget increases. (a) Without a majority vote so providing, the governing body of any municipality shall not approve any appropriation or budget, as the case requires, which may be funded by revenue produced from property taxes, and which provides for funding with such revenue in an amount exceeding that of the next preceding year, adjusted to reflect changes in the consumer price index for all urban consumers as published by the United States department of labor for the preceding calendar year. If the total tangible property valuation in any municipality increases from the next preceding year due to increases in the assessed valuation of existing tangible property and such increase exceeds changes in the consumer price index, the governing body shall lower the amount of ad valorem tax to be levied to the amount of ad valorem tax levied in the next preceding year, adjusted to reflect changes in the consumer price index. This subsection shall not apply to ad valorem taxes levied under K.S.A. 76-6b01 and 76-6b04 and K.S.A. 2015 Supp. 72-6470, and amendments thereto, and any other ad valorem tax levy which was previously approved by the voters of such municipality. Except as provided in subsection (g), notwithstanding the requirements of this subsection, nothing herein shall prohibit a municipality from increasing the amount of ad valorem tax to be levied if the municipality approves the

increase with a majority vote of the governing body by the adoption of a resolution and publishes such vote as provided in subsection (c).

(b) Revenue that, in the current year, is produced and attributable to the taxation of:

- (1) New improvements to real property;
- (2) increased personal property valuation, other than increased valuation of oil and gas leaseholds and mobile homes;
- (3) property located within added jurisdictional territory; or
- (4) property which has changed in use shall not be considered when determining whether revenue produced from property has increased from the next preceding year.

(c) In the event the governing body votes to approve any appropriation or budget, as the case requires, which may be funded by revenue produced from property taxes, and which provides for funding with such revenue in an amount exceeding that of the next preceding year as provided in subsection (a), notice of such vote shall be published in the official county newspaper of the county where such municipality is located.

(d) The provisions of this section shall be applicable to all fiscal and budget years commencing on and after the effective date of this act.

(e) The provisions of this section shall not apply to revenue received from property tax levied for the sole purpose of repayment of the principal of and interest upon bonded indebtedness, temporary notes and no-fund warrants.

(f) For purposes of this section, "municipality" means any political subdivision of the state which levies an ad valorem tax on property and includes, but is not limited to, any county, township, municipal university, school district, community college, drainage district or other taxing district. "Municipality" shall not include any such political subdivision or taxing district which receives \$1,000 or less in revenue from property taxes in the current year.

(g) On and after January 1, 2018: (1) In the case of cities and counties, any resolution by the governing body otherwise required by this section to adopt any appropriation or budget which provides for funding by property tax revenue in an amount exceeding that of the next preceding year as adjusted pursuant to subsection (a) to reflect changes in the consumer price index, shall not become effective unless such resolution has been submitted to and approved by a majority of the qualified electors of the city or county voting at an election called and held thereon, except as otherwise provided. The election shall be called and held in the manner provided by K.S.A. 10-120, and amendments thereto, at the next regularly scheduled election to be held in August or November, or may be a mail ballot election, conducted in accordance with K.S.A. 25-431 et seq., and amendments thereto, or may be a special election called by the city or county. Nothing in this subsection shall prevent any city or county from holding more than one election in any year.

(2) A resolution by the governing body of a city or county otherwise required by the provisions of this section shall not be required to be approved by an election required by subsection (g)(1) under the following circumstances:

(A) The increase in the amount of ad valorem tax to be levied that is greater than the change in the consumer price index is due to:

- (i) Costs for new infrastructure or improvements to existing infrastructure to support new improvements to property exempt from property taxation pursuant to the provisions of K.S.A. 79-201 et seq., and amendments thereto, such as hospitals, schools and churches, or exempt additions to or improvements to property so exempt from property taxation;
- (ii) bond and interest payments;
- (iii) an increase in property subject to taxation as the result of the expiration of any abatement of property from property tax;
- (iv) increases in road construction costs when such construction has been once approved by a resolution of the governing body of the city or county;
- (v) special assessments;
- (vi) judgments levied against the city or county or expenses for legal counsel and for defense of legal actions against the city or county or officers of the city or county;
- (vii) new expenditures that are specifically mandated by federal or state law; or
- (viii) an increase in property subject to taxation as the result of new construction;

(B) the assessed valuation has declined in one or more of the next preceding three calendar years and the increase in the amount of funding for the budget or appropriation from revenue produced from property taxes does not exceed the average amount of funding from such revenue of the next preceding three calendar years,

adjusted to reflect changes in the consumer price index for all urban consumers as published by the United States department of labor for the preceding calendar year; or

(C) the increase in the amount of ad valorem tax to be levied is less than the change in the consumer price index plus the loss of assessed property valuation that has occurred as the result of legislative action, judicial action or a ruling by the board of tax appeals.

Appendix J: Sample GAAP Waiver

**A RESOLUTION WAIVING ANNUAL REQUIREMENT
OF GENERALLY ACCEPTED ACCOUNTING PRINCIPLES**

WHEREAS, the governing body of the _____ Library, in _____, KS, has determined that the financial statements and the financial reports for the calendar year 2016 which are to be prepared in conformity with the requirements of Kansas Statutes Annotated 75-1120a are not relevant to the requirements of the cash basis and budget laws of this state and are of no significant value to the governing body or to the members of the general public of said Library; and

WHEREAS, there are no revenue bond ordinances or other ordinances or resolutions of the _____ Library which require financial statements and financial reports to be prepared in conformity with said statute for the year 2016;

NOW, THEREFORE be it resolved by the governing body of the _____ Library, meeting on the 13th day of January, 2016 that the said governing body requests the Director of Accounts and Reports of the State of Kansas to waive the requirement of GAAP prescribed financial reports as provided for in Kansas Statute Annotated 75-1120a for the year 2016.

The vote on the resolution was _____ in favor and _____ opposed.

President, _____

Secretary, _____

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