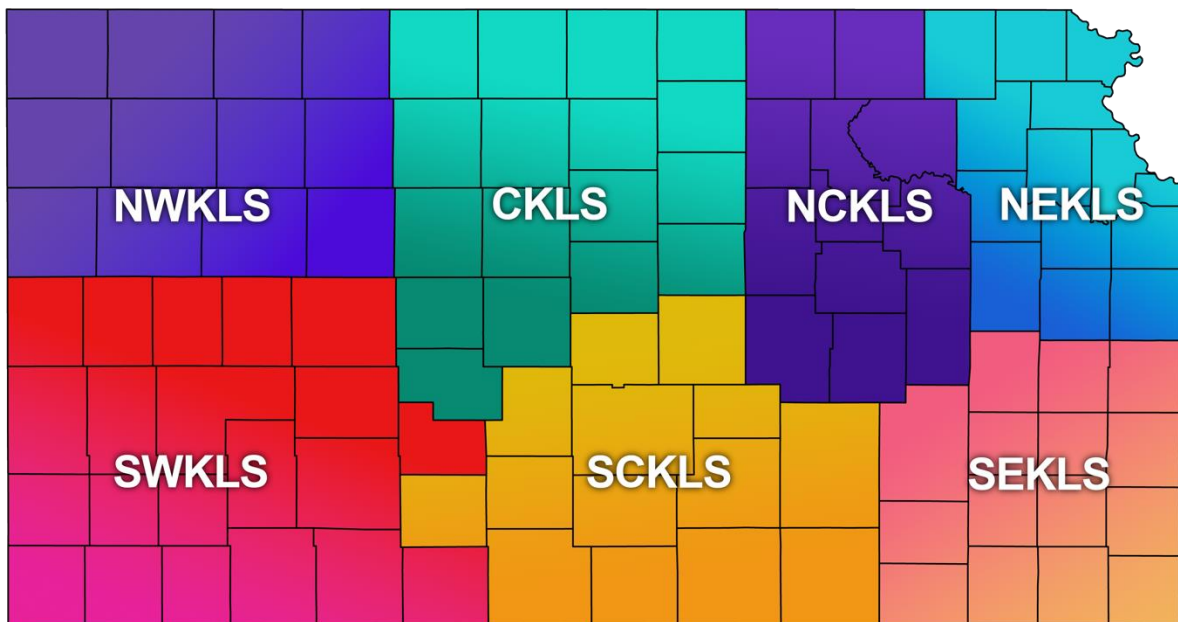


KANSAS PUBLIC LIBRARY TRUSTEE MANUAL 2026

Prepared by:
Kansas Regional Library Systems
2025



Kansas Regional Library Systems: Original Geographic Boundaries

Regional System Name	Location	Phone Number	URL
Central Kansas (CKLS)	Great Bend	1-800-362-2642	www.ckls.org
North Central Kansas (NCKLS)	Manhattan	1-800-432-2796	www.nckls.org
Northeast Kansas (NEKLS)	Lawrence	1-888-296-6963	www.nekls.org
Northwest Kansas (NWKLS)	Norton	1-800-432-2858	www.nwkls.org
South Central Kansas (SCKLS)	South Hutchinson	1-800-234-0529	www.sckls.org
Southeast Kansas (SEKLS)	Iola	1-800-279-3219	www.sekls.org
Southwest Kansas (SWKLS)	Dodge City	1-800-657-2533	www.swkls.org

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Introduction: The Role of Public Libraries

Public libraries have always been a source of education, inspiration, and enrichment. While they began as repositories for books and reading materials, they have continually evolved to meet changing community needs. Today, libraries offer not only books but also digital resources, technology access, creative spaces, and programming that connects people of all ages.

To better serve their communities, libraries are asking new kinds of questions:

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

These questions move the focus beyond library services and toward broader community goals. By aligning library initiatives with local priorities—whether improving access to technology, fostering civic dialogue, supporting workforce development, or creating nurturing spaces—libraries can strengthen their role as indispensable community hubs.

The Role of the Library Trustee

Public library trustees play a crucial role in ensuring that libraries remain responsive, sustainable, and forward-thinking. Trustees are responsible for:

- Hiring and supporting a strong library director who embraces community engagement and innovation.
- Providing oversight and advocacy to maintain the library's relevance and financial health.
- Serving as ambassadors who connect the library with community leaders, organizations, and residents.

This manual provides trustees with the foundational knowledge needed to govern effectively. It outlines legal responsibilities, best practices, and strategies to help libraries thrive. If you have questions beyond what is covered here, consult your Kansas Regional Library System Consultant for guidance.

Libraries are ever-evolving institutions, and as a trustee, you have the power to help shape their future. Your leadership and commitment are essential to ensuring that your library—and the community it serves—continues to grow and adapt in an ever-changing world.

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, race, gender and socio-economic levels.

The essential qualities of a trustee are:

- interest in the library, its service, and its capacity for growth and improvement;
- ability to devote time and effort to board meetings and activities;
- ability to work cooperatively with other board members;

Trustees should also have, or be willing to develop:

- imagination, dedication, and vision;
- understanding of the community and of its needs and resources;
- knowledge of the community's leaders and organizations;
- knowledge of the board's legal responsibility and authority;
- 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 ([K.S.A. 25-123](#)).

BOARD ORGANIZATION

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

All library boards, excluding district library boards, have an ex officio member. The ex officio is to be counted toward the specific library board quorum per Attorney General Opinion 2013-19, "...Because the ex officio member has the same duties and powers as the appointed members, including right to vote on matters before the board, it is our opinion that the ex officio member should be counted in calculating the quorum requirement."

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 (by virtue of the office or position) member of the board. No person holding any other office in the city government shall be appointed as a member of the library board while holding such office. All appointed members of a city library board must live within the city limits.

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. Ex officio means that by virtue of the office or 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. Ex officio means that by virtue of the office or position, the township trustee 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 (7) 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 such 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 the qualified voters of the library district shall be held on the first Tuesday in March of each year at 2:00 p.m. At the first annual meeting, a majority of the qualified voters present may determine whether the subsequent annual meetings shall convene at 2:00 p.m. or at 7:30 p.m. Thereafter, said annual meeting shall convene at the time so determined, ([K.S.A. 12-1236](#)). 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 re-elected to the board of a district library. The law is silent on this matter. 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 to expire on 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 to expire on April 30 following the 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 until one (1) year after the expiration of the second term. 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. 72-1419](#) and [72-1420](#) provide authority, power, duties and tax levies of the Kansas City Kansas Board of Education directors who act as the governing body of the Kansas City Kansas Public Library.)

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. ([K.S.A. 12-1226\(a\)](#)) "...the library board shall pay out the funds on orders of the board signed by the secretary and chair thereof.")

In addition to managing meetings, the Chair is responsible for fostering a productive and respectful environment within the board. This includes facilitating discussion so all trustees can contribute, helping resolve conflicts, maintaining focus on the agenda, and ensuring that board decisions are made collaboratively and according to established policies. The Chair serves as the primary point of contact for board governance matters and works closely with the director to support effective board operations.

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. ([K.S.A. 12-1226\(a\)](#)) "...the library board shall pay out the funds on orders of the board signed by the secretary and chair thereof.")

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 board's treasurer position 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 must ensure continuity and consistency in their legal, financial, and policy-making responsibilities. Written bylaws provide the structural foundation for board operations and decision-making. A sample set of bylaws is available in Appendix A.

Bylaws should outline how regular and special meetings are conducted, define rules for participation, quorum, voting, and discussion, and include procedures for entering executive session. New or unresolved matters should be carried forward to a future meeting. Well-crafted bylaws promote transparency, reduce confusion, and support effective governance.

STATUTORY POWERS AND DUTIES OF THE LIBRARY BOARD

Public library trustees must know and accept their legal responsibilities as governing agents of the library, strive to act within the law, and seek expert experience as appropriate.

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).

In practice, library boards often work closely with their governing municipality. This can include negotiating the use of city-owned buildings, paying rent or fees, and coordinating indirect support such as utilities, maintenance, or in-kind services. Boards may formalize these arrangements through Memoranda of Understanding (MOUs) or other agreements, which clarify responsibilities, expectations, and financial obligations. Such collaboration allows the library to operate effectively while respecting municipal oversight and ensuring transparency for all parties.

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, digital 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 chair, also known as 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 Kansas Regional Library Systems. 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 [K.S.A. 12-1243](#)). Special meetings require all board members to be notified at least two (2) days in advance of the meeting and no business other than that stated in the notice can be transacted. 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. 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.

Attorney General Opinion 2013-19 states that the head of a municipality who serves as an ex officio member of the library board should be counted in calculating the library board's quorum requirement.

Section I – Meeting Structure

A well-structured board meeting ensures efficiency, clarity, and meaningful discussion. The meeting agenda should be carefully prepared by the Chairperson and the library director, prioritizing key tasks and distributing it with any necessary documents several days in advance. Reports should be provided in writing whenever possible to streamline discussions.

Standard Meeting Agenda

A typical board meeting agenda follows this pattern:

1. Roll Call
2. Public Comment

3. Approval of Agenda
4. Consent Agenda
 - Board meeting minutes
 - Budget committee meeting minutes and report
 - Planning committee meeting minutes and report
 - Director's report
 - Financial report and paying of the bills
5. Discussion Items
6. Unfinished Business
7. New Business
8. Announcements
9. Adjournment

Public Comment

The public comment period is an essential part of library board meetings, providing community members with an opportunity to share concerns, feedback, and ideas. While no immediate action can be taken in response to public comments unless added as a formal agenda item, this period allows for transparency and engagement with the public.

Best Practices for Public Comment:

- The board should establish clear guidelines, such as a time limit for individual comments (e.g., three minutes per speaker).
- Commenters should be required to state their name and affiliation (if applicable).
- The board may choose to respond briefly or refer comments to the appropriate staff member for follow-up.
- The public comment period should be conducted respectfully, with the Chair ensuring order.

Consent Agenda

A consent agenda is a useful tool that allows routine reports, minutes, and other noncontroversial items to be approved in one motion without discussion, saving time for more substantive discussions.

Using a Consent Agenda Effectively:

- The board must first approve the use of a consent agenda format.
- All consent agenda materials must be provided to board members before the meeting.
- The Chair asks if any member wishes to remove an item from the consent agenda for discussion.
- Any removed items are addressed separately under the appropriate agenda section.
- The Chair calls for a motion to approve the remaining consent agenda items.

Announcements

A designated Announcements section allows board members to share updates, concerns, or observations without requiring immediate discussion or action. This ensures board members can raise awareness of relevant issues, upcoming events, or community feedback while maintaining an efficient meeting flow.

- Announcements do not require motions or votes.
- No action can be taken on an announcement unless it is added as a formal agenda item.

- This section provides a space for board members to have a voice beyond structured discussions.

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.

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.

Meeting Procedures

The Board Chair, or an appointed substitute, facilitates the meeting and ensures smooth proceedings. The Chair's role includes:

- Calling the meeting to order only if a quorum is present.
- Requesting approval of the agenda, minutes, treasurer's reports, and consent agenda.

- Introducing discussion items.
- Recognizing speakers.
- Repeating motions after they receive a second to open discussion.
- Proposing committees to study motions further if needed.
- Repeating motions and amendments before calling for a vote.
- Conducting votes:
 - "All those in favor, raise your hand."
 - "All those opposed, same sign."
 - Counting votes and summarizing the results.
- Starting Executive Sessions when necessary.
- Adjourning the meeting after a motion to do so.

Motions and Rules of Order

Board actions must be presented as motions before discussion can begin. There are three main types of motions:

1. Main Motions – Propose specific actions for discussion and a vote.
2. Table Motions – Delay discussion to a later meeting.
3. Withdrawal Motions – Remove an item from consideration.

Additional Guidelines:

- Motions must be seconded before discussion begins.
- Only one main motion may be under discussion at a time, but secondary motions (amendments) are allowed.
- Amendments to motions require the approval of the original motion-maker and the second.
- There is no limit on the number of times a board member may speak on a motion.
- Any member may call for an end to discussion and move to a vote.
- Any member may request the reconsideration, amendment, or rescinding of a motion, even after passage.
- Any member may raise a "Point of Order" to correct procedural errors during the meeting.

Example:

Board Member: "Point of Order!"

Board Chair: "What is your Point of Order?"

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

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

Open Meetings

State laws ([K.S.A. 75-4317](#) and [K.S.A. 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 those invited to discuss 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 that apply to libraries include personnel matters, consultation with an attorney for the library that 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 45-230](#) requires originals of board minutes, library accounts, library resolutions, etc. be kept in the library for review upon request 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. The requested records will 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. The governing body of each KS public agency must have a freedom of information officer designated to handle open records requests per [K.S.A. 45-226](#).

[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.

Common discretionary exemptions include:

- “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.” (4)
- “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...” (5)
- “Library patron and circulation records which pertain to identifiable individuals.” (23)
- “Public records containing information of a personal nature where public disclosure thereof would constitute a clearly unwarranted invasion of personal privacy.” (30)
- “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.” (49)

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 situation 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 without 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 and/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.

Conflicts of interest

Since integrity is important to all government agencies, each board member signs a Conflict(s) of Interest Statement. See Kansas Regional Library Systems website for a template (systems.mykansaslibrary.org). The most important part of this statement is 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.

Ethics Statement

Public library Trustees are accountable for the resources of the library as well as to see that the library provides the best possible service to its community. Every Trustee makes a personal commitment to contribute the time and energy to faithfully carry out their duties and responsibilities effectively and with absolute truth, honor and integrity.

- Trustees shall respect the opinions of their colleagues, even when they disagree or oppose a viewpoint different than their own.
- Trustees shall comply with all the laws, rules and regulations that apply to them and to their library.
- Trustees, in fulfilling their responsibilities, shall not be swayed by partisan interests, public pressure or fear of criticism.
- Trustees shall not engage in discrimination of any kind and shall uphold library patrons' rights to privacy in the use of library resources.
- Trustees must distinguish clearly in their actions and statements between their personal philosophies and attitudes and those of the library, acknowledging and supporting the formal position of the Board even if they disagree.
- Trustees must respect the confidential nature of library business and not disclose such information to anyone. Trustees must also be aware of and in compliance with Freedom of Information laws.
- Trustees must avoid situations in which personal interests might be served or financial benefits gained as a result of their position or access to privileged library information, for either themselves or others.
- A Trustee shall immediately disqualify themselves whenever the appearance of or a conflict of interest exists.
- Trustees shall not use their position to gain unwarranted privileges or advantages for themselves or others from the library or from those who do business with the library.
- Trustees shall not interfere with the management responsibilities of the director or the supervision of library staff.
- Trustees shall support the efforts of librarians in resisting censorship of library materials by groups or individuals.

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.

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."

Statement of Substantial Interest

The Kansas Governmental Ethics Commission (GEC) – <https://ethics.kansas.gov/> – 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, such as the case with District Libraries, 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 [K.S.A. 75-4305](#).

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

Clear understanding of the roles and responsibilities of the board of trustees and the library director is essential to effective library governance. Problems often arise when trustees overstep into daily operations or when directors do not fully assume responsibility for managing staff. While trustees and the director may collaborate on strategic initiatives, the director should serve as the primary supervisor of library staff.

Trustee Responsibilities (Personnel-related):

- Hire and evaluate a qualified library director who meets the required credentials and skills.
- Adopt and regularly review personnel policies and the staff handbook to ensure compliance with local, state, and federal employment laws.
- Approve salary schedules and benefits for all employees.
- Support staff development by authorizing in-service training and continuing education for staff and trustees.
- Develop and implement an annual evaluation process for the library director.
- Notify appointing authorities of trustee vacancies, promote open positions, and participate in the orientation of new board members.

Library Director Responsibilities:

- Supervise all library staff and manage day-to-day personnel matters.
- Recommend updates to personnel policies and provide supporting documentation for board review.
- Maintain current staff job descriptions and personnel records.
- Recommend improvements in compensation, working conditions, and staff development opportunities.
- Identify and coordinate professional development opportunities for staff and ensure budget alignment.
- Assist in the orientation of new trustees.

Section II – Hiring a New Director

When the library director submits a written resignation, the board should first conduct an exit interview. If the departure is amicable, take time to listen to any suggestions for the library's future. Regardless of the circumstances, review the library's current situation, including compensation and benefits, to ensure they are competitive and reasonable.

Preparing for the Search

- Review and update the job description to include:
 - Responsibilities and duties
 - Salary and fringe benefits
 - Introductory period and evaluation plan
 - Required and preferred qualifications
 - Reporting relationships
- Kansas is an *at-will* employment state; avoid language that implies a contract of employment.

- Form a search committee and outline procedures, budget, and timeline in writing for board approval.
- Maintain thorough documentation throughout the hiring process to protect the board and ensure transparency.

Recruitment:

- Advertise the position through:
 - Local newspapers
 - Library schools
 - State or national library job boards
 - Other relevant online platforms

Each job posting should include:

- Job title
- Summary of responsibilities
- Required and preferred qualifications
- Salary range or minimum salary
- Benefits information
- Application instructions (resume, references)
- Date of availability
- Closing date
- Equal Opportunity Employer statement

Interview Process:

- Develop a consistent set of interview questions to be asked of all candidates, allowing follow-ups as appropriate.
- Suggested topics:
 - Professional accomplishments and stability
 - Relevant skills and knowledge
 - Education and experience
 - Interest in the position
 - Expectations for the role
- Select the 3–5 most competitive candidates for in-person interviews. If no suitable candidates emerge, consider re-advertising rather than lowering standards.

Before the interview:

- Share information about the library and community with candidates.
- Create a welcoming environment, offer a library tour, and provide opportunities to meet staff.

During the interview:

- Maintain a professional and honest tone.
- Share expectations, job challenges, and the board's goals.
- Invite questions and answer candidly.

Final Steps:

- Select the top candidate and confirm the hire through a formal board motion and vote.
- Notify the selected candidate in writing and request written acceptance.
- Inform all other candidates once the position has been filled.
- Announce the new hire to the community through local media.

- Retain all documentation related to the hiring process.

Section III – Evaluating the Director

Evaluating the library director should be an ongoing process that grows naturally from a strong, communicative relationship between the board and the director. Constructive feedback and support should be offered in a timely manner to address challenges and resolve issues efficiently.

An annual formal evaluation is also a best practice in library governance. When the director's performance is satisfactory, the evaluation should focus on reviewing the job description, assessing progress toward strategic goals, and setting new objectives. When approached as a collaborative check-in — rather than a punitive exercise — the evaluation becomes a helpful opportunity for alignment and growth.

If concerns do arise, the board should respond with specificity. The board, acting as a corporate body, should clearly outline expectations, behaviors, or deliverables, and set realistic timelines for improvement. Vague criticism (e.g., “poor attitude”) is unproductive and often leads to misunderstanding or frustration. In contrast, many directors have successfully resolved concerns once expectations were clearly communicated.

The director's evaluation should reflect how well the library is meeting its goals. The board might consider:

- Has the director managed library services effectively?
- Is staff performance friendly, efficient, and cost-effective?
- Is the library viewed positively by the community?
- Has the director served as an effective ambassador for the library?
- Is the library making progress toward strategic plan objectives?
- Has the director provided the board with the information it needs to govern well?
- Is the director staying current with library trends and communicating relevant developments?

Section IV – Dismissing the Director

The dismissal of a library director is one of the most difficult decisions a board may face. Boards that hire thoughtfully, communicate openly, nurture a strong working relationship, and conduct regular evaluations are far less likely to encounter this situation. However, in cases where serious issues cannot be resolved, dismissal may become a necessary last resort.

Directors are typically dismissed due to persistent performance concerns, a failure to improve despite documented support and feedback, or serious violations of policy or law. In these situations, trustees must act with care, professionalism, and integrity — both to ensure fairness and to mitigate potential legal or reputational risks.

Before moving forward with dismissal, the board should consider the following:

- Has the director received a formal evaluation of their performance?
- Is there clear documentation of concerns and the expectations for improvement?
- Is there any indication that personal conflicts or bias may be influencing the decision?
- Has the board addressed problems as they emerged, rather than letting issues accumulate?

- Has the director been given the opportunity to respond and be heard?
- Has the director received written notice of the dismissal, including clear reasons?
- Has the board sought legal counsel and ensured its actions are justified and defensible?
- Are there existing library policies that need to be revised based on the experience?
- Has a plan been developed for how the dismissal will be communicated to the public?

In addition, the board should ensure continuity of library operations during any transition. This includes securing keys, passwords, and access to systems, as well as documenting essential procedures. The board should designate an interim director or point of contact to maintain library services, protect assets, and provide staff leadership until a permanent director is appointed. Clear communication and access protocols help prevent disruption and safeguard both library property and institutional knowledge.

FINANCES

Library finances require trustees and the director to work in close partnership. Both board and staff should have a clear understanding of the budget process and opportunity to contribute.

Sources of Income

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 include more than just the taxes levied on behalf of the library board. 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;
- Kansas Regional Library 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 legal authority 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. 79-2925c](#) 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 governments 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: <https://www.kslegresearch.org/KLRD-web/Publications/BriefingBook/2020Briefs/J-3-HomeRule.pdf>.

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;
- programs for the public;
- outreach;
- special collections;
- operating expenses (printing, postage, travel, memberships, supplies); and
- capital expenditure (a major building project or major equipment purchase).

Capital Improvement Funds

A Kansas public library may place up to 10% of its general operating 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 by way of a resolution.

Signatures on library checks

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

Section I – The Public Library Budget Process

A strong public library budget process is thoughtful, strategic, and based on more than simply updating the previous year's numbers. It should reflect community needs, library goals, and responsible financial planning. Below is a recommended process for annual budget development and oversight:

Planning and Review

- Review community demographics, trends, and economic conditions.
- Revisit the library's strategic goals and objectives.
- Establish a budget development timeline, assigning responsibilities and realistic deadlines.
- Evaluate current programs and services:
 - Assess usage and outcomes.
 - Identify activities that are complete or no longer effective.
 - Ensure all key staff have input into the budget.

Drafting the Budget

- Identify anticipated revenues and expenditures.
- Review line items carefully, justifying changes using data such as circulation, program attendance, and staff workload.
- Develop an initial draft budget; revise as needed based on internal feedback and fiscal realities.

Approval and Advocacy

- Prepare a professional budget presentation for local funding authorities. Emphasize the library's value as a core public service and community resource.
- Present the draft budget, invite comments, and be prepared to adjust in response.
- Communicate the final budget to the community. Explain clearly what current funding will support—and what it won't. Use this as an opportunity to highlight library impact and upcoming services.

Implementation and Oversight

- Once approved, the library director is responsible for implementing and managing the budget.
- The board should:
 - Monitor monthly financial reports, including year-to-date spending, remaining budget, and any significant variances.
 - Approve unexpected or out-of-budget expenditures through formal board motions.
 - Maintain regular communication with taxing authorities to build long-term support and understanding.

Budget Timeline

Budget process steps should be completed on the following timeline, note that District Libraries will have a different timeline, see your Kansas Regional Library System for more information*:

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.
May/June	Local motor vehicle income amounts are available by June.	Library board and director present written budget to city.

June 15	County Clerk notifies district of Revenue Neutral Rate (RNR).	Library board needs to determine if the budget can be kept within the allowed rate.
July	<ul style="list-style-type: none"> • Local assessed valuations are available. • Cities can provide upcoming total amount of tax expenditures for library fund. 	
July 20	<p>On or before July 20 of each year, the governing body of a taxing subdivision shall notify their county clerk of the subdivision's intent to exceed the revenue neutral rate and provide the date, time, and location of the public hearing on the proposed tax rate. Notice requirements must be made by both the governing body and the county clerk no less than 10 days before the public hearing and comply with the manner and content required by law.</p>	<p>If the library is a city or township library, the intent to exceed the RNR would be communicated (and negotiated) with the governing body (city council, township board).</p> <p>If the library is a district library, the library board must notify the county clerk per the process described at left.</p> <p>After this, the county clerk will notify the individual tax payers of the new tax levy amount (via mail).</p>
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. 	<p>In August, the city publishes its budget showing the current years and the next year's 1) expenditures for the library, 2) the mill levy for the library, and 3) the city's assessed valuation.</p> <p>Between August 20 and Sept 20, the board and library hold a hearing to exceed RNR, if necessary, at the time of their annual meeting. Notice of this hearing must be published a minimum of 10 days before the hearing.</p> <p>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</p>

		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.

*Budget Timeline. As new legislation is passed each year, the potential exists for this timeline to be amended.

Revenue Neutral Rate (RNR) Timeline:

<https://www.ksde.org/Portals/0/School%20Finance/budget/Online%20Budget%20Packet/Revenue%20Neutral%20Rate%20Info.pdf>)

**GAAP Waiver. Generally Accepted Accounting Principles (GAAP) is a set of accounting standards or rules for organizing an entity's financial statements. Under [K.S.A. 75-1120a](#), libraries can be exempt from GAAP by 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. 75-1120a](#) 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 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.admin.ks.gov/offices/oar/municipal-services>

A sample GAAP Waiver may be found on the Kansas Regional Library Systems website (systems.mykansaslibrary.org).

Section II – Other Income

State Grants-in-Aid

A statute was passed in 1975 that provides for annual grants from the State Library to the Kansas Regional Library Systems and eligible public libraries. These funds will supplement but *shall not replace* local funds. Per [K.S.A. 75-2555](#), one-third of the total amount is distributed by formula to the seven Kansas 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 Kansas Regional Library Systems 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.

Kansas Regional Library System Grants

Kansas Regional Library Systems present grants to eligible public libraries through varying programs. Current information on grant amounts may be obtained directly from your library's Regional Library System.

Investment of Funds

Library funds not being immediately used for operations or special projects may be invested. Under certain circumstances, funds shall 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 Kansas Regional Library System. Funds from tax sources must be held in insured accounts.

ADVOCACY

Trustees play a vital role in advocating for strong library services. To be effective, trustees must understand how the political process works and be open to learning advocacy strategies. Building strong, ongoing relationships with local, state, and national elected officials is essential for securing support. In addition, trustees should engage with influential community members, such as business leaders, educators, and media figures, who help shape public opinion and influence policy decisions, even if they do not hold elected office.

Lobbying involves communicating informed opinions to decision-makers and backing those opinions with solid evidence. For trustees, it offers a valuable opportunity to apply their knowledge and personal experience to support improved library services. Trustees and Friends of the Library are especially powerful advocates because they represent the voice of the community. While lawmakers expect librarians to support libraries, they are often more

influenced by widespread, grassroots support from engaged citizens. A strong show of advocacy from trustees can make a lasting impact on public policy and funding decisions.

Although libraries often compete with other essential services for funding and attention, they benefit from broad, though sometimes underutilized, public support. Many active library users are also informed and engaged voters; a fact not lost on legislators. This creates a strong foundation for building advocacy over time. Effective citizen support doesn't happen overnight; it requires consistent, long-term effort. Trustees do not have to shoulder this responsibility alone. When you provide clear facts and ask for help, others in the community will often step up to support library initiatives.

All library boards in Kansas must stay informed about proposed legislation at the local, state, and national levels that could affect library services. Remaining aware of these developments allows trustees to respond appropriately and advocate effectively on behalf of their libraries.

Section I – Working with Local Government

Under Kansas library law ([K.S.A. 12-1222](#)), the official head of your local government, such as the mayor for city or town libraries, or the township trustee for township libraries, serves as an *ex officio* member of the library board. This individual holds all the same rights and responsibilities as other board members, and their presence or absence counts toward the quorum. This built-in connection means every library board already includes a potentially powerful advocate.

Trustees should actively engage and collaborate with city, county, or township officials to strengthen support for the library at the local government level.

- Make sure the mayor is aware of their role as an *ex officio* board member. Invite them to attend and participate in library board meetings and provide them with the same monthly board packets distributed to all trustees.
- Even if the mayor does not regularly attend meetings, continue to treat them as an active member. Consistently send board materials and invite them to all board and library events. Ignoring or excluding the mayor can harm the board's relationship with local government.
- Ask the mayor to take part 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. Regular, year-round communication with the city council is essential to building support for the library.
- The Memorandum of Understanding (MOU) between the library and municipalities should include clear directives as to who is financially responsible for rent, repairs, improvements and facility maintenance. The division of these costs and responsibilities depends on several factors and vary greatly. The Kansas Interlocal Cooperation Act ([K.S.A. 12-2901](#) et seq.) and library statutes ([K.S.A. 12-1225](#), [K.S.A. 12-1230](#)) assist libraries and other public entities to establish joint agreements for resource and service sharing.

Make it a priority to keep council members informed, involved, and connected:

- Send them the minutes and financial reports from library board meetings so they are aware of the library's activities, decisions, and fiscal responsibility.

- Provide them with the library's calendar and flyers for upcoming programs and events. This keeps them informed and encourages attendance and support.
- Invite them to special events, such as a dinner or appreciation gathering sponsored by the library. Personal engagement builds goodwill and trust.
- Encourage every council member to have a library card. It's a simple but powerful way to connect them personally to the library and its services.

If your city council seems disengaged, or worse, dismissive of your outreach, don't start by asking for more funding. Instead, build goodwill through small, personal requests. Benjamin Franklin once turned a political adversary into an ally by asking to borrow a book from his personal library. Franklin kept the book for a while and then returned the book with a thankful note. The gesture of trust and interest helped soften the relationship, and the same principle can work with local officials today.

Rather than making big asks, start with simple, meaningful invitations. Here are a few ideas:

- Ask council members to read their favorite children's book during a story time at your library.
- Take a photo of each council member holding their favorite book and turn it into a library READ poster. Display the posters in the library, and if they're business owners, ask to hang one in their shop window.
- Invite council members to display a personal collection, such as hubcaps, coins, or unique memorabilia, in the library.
- Ask them to give a short talk or write a brief piece about a favorite hobby, a unique trip, or an interesting experience to share with library patrons.

These small favors build a sense of connection and appreciation, laying the groundwork for stronger relationships and future support.

Community Support in Times of Crisis

When a library truly serves its community, that community will often rise to defend it in times of need. In one Kansas town, a long-standing, confrontational relationship between the city government and the library escalated when the city abruptly ordered the library to vacate its building within a month. In this small town, there were no alternative spaces available. In response, the library turned to its greatest asset: the community. Library staff and trustees mobilized residents, who showed up in force at the next city council meeting. The room was packed with angry, vocal citizens who spoke passionately in defense of their library. Faced with overwhelming public opposition, the city reversed its decision. Years later, the library still occupies the same building.

This story is a reminder that consistent community engagement and service build loyalty. When a library is seen as essential, the public will help protect it, especially when it matters most.

Section II – Tips on the Art of Lobbying

The key to successful lobbying is respecting and fostering relationships with community leaders, elected officials at the local, state, and federal levels, and the general public. Trustees and librarians should remain knowledgeable, accurate, and clear in presenting facts, ensuring that their voices are heard and that community needs are effectively represented. Building trust

through consistent communication and collaboration strengthens the library's influence and helps secure support for funding, policy decisions, and community initiatives.

- Establish credibility by approaching officials with a clear purpose. Anticipate their questions and support your position with solid evidence.
- Stick to the facts. Provide a concise fact sheet tailored to the official's interests. Use testimonials only as secondary support.
- Master your “elevator speech”. Be ready to deliver a focused, 90-second message that clearly outlines your position on the library.
- Build relationships early. Don’t wait for a crisis. Establish a connection before you need to make a request.
- Localize the message. Explain how an issue or proposal directly affects your library and its community.
- Be respectful and polite. Avoid negativity or hostility. Courtesy goes a long way in advocacy. Thank elected officials for their consideration even when they don't agree with your position.
- Stay informed and responsive. Know the current status of relevant legislation. Be ready to act when timing is critical.
- Form alliances. Work with others who care about the library, friend groups, educators, businesses, and community members.
- Assume you're being heard. Officials do listen to constituents. Ten personal messages make an impact, twenty can shift momentum.
- Respect differences of opinion. Thank officials for their time and consideration, even if they disagree with your position.
- Express gratitude in writing. Always send a thank-you note when an official supports your stance.
- Get the details right. Use correct titles, spell names accurately, and avoid generic form letters.
- Schedule face-to-face meetings. Arrange appointments, invite officials to lunch, or host events where you can discuss library issues.
- Keep them in the loop. Share newsletters, local stories, and successes. Suggest they feature library news in their own communications.
- Support library-friendly legislators. Stay connected with supportive officials. Volunteer, donate, vote, but most importantly, keep them informed.

Section III – Tips on the Art of Testifying

If you have the opportunity to testify before a legislative committee, use these tips, based on guidance from former Wyoming Senator Lisa Kinney, to make your testimony effective and professional:

- Be clear and concise. Keep your comments focused. Most testimony is limited to 2–3 minutes, so avoid rambling.
- Share your story with a purpose. Make a personal connection to the issue but be sure to include a clear request or recommendation.
- Prepare in writing. Submit a written version of your testimony to the committee secretary, usually 24 hours in advance. Include more detail than you can deliver orally and bring the required number of copies.
- Expect and welcome questions. Legislators may miss details while trying to read, listen, and think simultaneously. Be patient and willing to clarify or expand.
- Maintain a respectful demeanor. Never be arrogant, sarcastic, or rude. Legislators may lack knowledge on a topic, but they deserve courtesy.

- Always be honest. Legislators stake their reputations on the bills they support. Never distort facts or omit key information, it can damage your credibility and theirs.
- Stay politically and gender neutral. Address all legislators with equal respect, regardless of party or gender.
- Stay positive and professional. Legislation is a long game. Even if you lose an issue today, avoid bitterness or blame. Reputation matters.
- Be open to alternatives. Legislators often understand the political landscape better than advocates. Stay flexible and consider their suggestions.
- Respect opposing views. Don't dismiss or ignore legislators who disagree with your position. A courteous response now may pave the way for future support.
- Follow up with gratitude. Always send a thank-you note to the committee chair for the opportunity to speak.

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, electronic materials, 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

Maintain written, annually evaluated, policies for the following:

- 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.
- 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.

- 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.
- 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.
- 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.
- Staff must be trained to implement policies fairly and without prejudice.
- If policies ask patrons to leave the library for more than a day, then an appeal process must be available.
- 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.
- 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.
- 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.

Policies should clearly define a method for handling requests for reconsideration. Requests, often referred to as challenges, 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.

Staff must be trained to implement patron-related policies and handle requests for reconsideration with impeccable courtesy and no personal response. All requests should be referred to the director or a designated department head.

Staff must be trained to treat each person requesting assistance as a client and to respect their need for information of any kind.

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.

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>).

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

Challenges should be handled according to the procedures established in advance by the library board. When a complaint is received, the library director or a senior department head should address it directly. The person or group making the complaint should be treated with courtesy, dignity, and good humor. Listening respectfully and giving them space to express their concerns can go a long way toward defusing anger and preventing escalation.

The library director should communicate the full context and facts of the complaint to the board in writing as soon as possible. If the situation begins to escalate publicly, consider seeking support from local media outlets. Freedom of the press and the freedom to read are closely related, and responsible media coverage can help the public understand the broader implications of censorship.

If a complainant argues that their perspective is not represented in the collection, take the claim seriously. Review the collection carefully—defending its balance only holds weight if the collection is, in fact, balanced and inclusive.

In some cases, it may be helpful to inform local civic or educational organizations about the complaint and ask for their support. In most situations, focus on defending the principle of intellectual freedom and the professional judgment of the librarians involved, rather than the specific title being challenged. Notify the ALA Office of Intellectual Freedom and other relevant professional organizations. These groups can offer support, provide guidance based on similar cases, and serve as objective voices from outside the local context.

PLANNING AND EVALUATION

An effective public library is built upon thoughtful planning and consistent evaluation. Planning ensures that library services align with community needs and that resources are deployed strategically. Evaluation confirms whether those services and investments are producing results. This section outlines core responsibilities of trustees in long-range planning, project evaluation, facilities, technology, and emergency preparedness.

Section I – The Library's Long-Range Plan

Each library board is responsible for initiating and maintaining a long-range plan that articulates the library's mission, vision, and priorities. This plan should be reviewed annually and revised as needed.

- Mission Statement: A concise declaration of the library's purpose and role in the community. It answers, "Why do we do what we do?"
- Vision Statement: A forward-looking statement describing what the library aspires to become. It answers, "Where are we going, and how will we get there?"

The planning process should include:

- Reviewing community demographics and trends;
- Conducting a community needs assessment, including surveys, interviews, and focus groups;
- Engaging stakeholders and inviting input from residents, staff, and partners.
- Performing an analysis, such as SWOT (Strengths, Weaknesses, Opportunities, Threats);

The resulting strategic plan should:

- Identify essential services, areas for improvement, and emerging community needs;
- Include measurable objectives, project timelines, and staff responsibilities;
- Provide a method for monitoring and evaluating progress.

Libraries may also consider models like Integrated Library Planning, which emphasize continuous assessment and iterative planning. Iterative planning involves regularly reviewing goals, evaluating progress, and making adjustments as community needs and circumstances change.

Section II – Project Evaluation

Project evaluation ensures that library services and programs meet established goals and contribute to the library's mission. Trustees must understand and support the evaluation process.

Each major project or initiative should include:

- Clear, measurable goals identified in advance;
- Quantitative data (e.g., usage statistics, attendance, costs);
- Qualitative input (e.g., user stories, feedback, outcomes);
- An assessment of whether the project advanced the library's strategic priorities.

Evaluation findings should be embedded in the project lifecycle and used to inform future planning, budgeting, and policy decisions.

Section III – Library Buildings

Library trustees are stewards of the library's physical spaces. Facilities must be safe, welcoming, and efficient. Buildings that are shabby, overcrowded, or poorly maintained damage public perception and can hinder library effectiveness. Trustees must ensure that library buildings support both current operations and future growth.

A facility checklist can be found on the Kansas Regional Library Systems website (systems.mykansaslibrary.org) and used to help evaluate:

- ADA compliance and accessibility
- General maintenance and cleanliness
- Functional zoning and room use
- HVAC, lighting, safety, and energy efficiency
- Technology infrastructure

Library Buildings as Programmatic Tools

Building design must be informed by the library's service goal, and trustees should ensure that any renovation, expansion, or construction project is guided by:

- A service-based facility plan, developed with staff and community input;
- Emphasis on flexible, adaptable spaces;
- Integration with other long-range goals and technology plans;
- Sustainability and cost-efficiency.

Financing and Oversight

Trustees are responsible for understanding and managing:

- Local taxing authority limits
- Use of capital improvement funds ([K.S.A. 12-1258](#))
- Feasibility studies and community support for major projects
- Collaborations with municipal governments and legal compliance

Common Facility Planning Errors to Avoid

Avoid the following pitfalls:

- Allowing the building to dictate services
- Relying solely on architects for service planning—they may lack library-specific expertise
- Overemphasizing square footage over function
- Underestimating long-term operational costs
- Skipping or minimizing public input
- Ignoring zoning, safety, or accessibility laws

Trustees must maintain buildings not only as physical assets, but as community tools for learning, connection, and civic participation.

Section IV – Library Technology

Every public library should have a technology plan that aligns with its long-range goals and addresses the digital needs of the community. The scope of this plan may vary by library size and resources, but it should be:

- Developed in partnership with staff and reviewed annually;
- Grounded in data: including system usage, community tech access gaps, and patron feedback; and
- Integrated into the strategic plan and budgeting process.

Key goals of library technology:

- Expand Access
 - Provide high-speed internet, device access, digital collections, and remote services
 - Support digital literacy and bridge the digital divide
- Improve Efficiency
 - Use integrated library systems, automation, and digital recordkeeping
 - Support staff workflow and reduce administrative burden
- Enhance Services
 - Offer virtual programs, online reference, and personalized patron experiences

- Improve collection development through analytics and user data

Trustees must ensure that technology decisions are intentional, sustainable, and community-driven. Adoption of new tools should be justified by need—not trend.

Section V – Emergency Preparedness and Continuity of Operations

Libraries must be ready to respond to events that pose risks to people, collections, or facilities.

Trustees are responsible for ensuring the library maintains:

- An Emergency Action Plan (EAP): outlines responses to fire, weather, threats, medical emergencies, etc.
- A Continuity of Operations Plan (COOP): identifies how the library will maintain essential functions during extended disruptions.

These plans should:

- Identify evacuation and shelter-in-place procedures;
- Clarify communication chains and key staff roles;
- Be reviewed annually and revised as needed;
- Be aligned with municipal emergency protocols.

Trustees should verify that plans are not only written, but that staff are trained, roles are understood, and public safety is prioritized.

MARKETING THE LIBRARY

Many people in the community do not use the library—not because they don't need its services, but because they don't know what the library offers. Libraries must actively promote their services, programs, and resources to ensure that the entire community benefits. A strong marketing plan not only increases library use but also strengthens community support and funding.

Section I – Building a Strong Marketing Foundation

Effective library marketing begins with asking tough questions and understanding the community's needs. Library boards and directors should consider:

- Awareness & Accessibility:
 - Does the entire community know where the library is located?
 - Is the library easy to find, with visible signage?
 - Is the library welcoming, attractive, and accessible to all, including people with disabilities?
- Services & Programs:
 - Do residents know that the library offers more than books—such as internet access, digital resources, job search assistance, and literacy programs?
 - Are programs and services well-publicized, both inside and outside the library?
 - Are services tailored to different groups, such as children, teens, working adults, seniors, and local businesses?
- Community Engagement & Partnerships:
 - Is the library involved in community planning and decision-making?

- Does the library collaborate with schools, businesses, civic organizations, and local media?
- Are there strong relationships with government officials, ensuring they recognize the library's impact?

Section II – Marketing to the Community

Engaging Community Leaders

Community leaders can be the library's most influential advocates. Trustees and staff should work to develop relationships with them by:

- Providing regular updates on library services and accomplishments to local officials, school administrators, and business leaders.
- Joining civic and business organizations (e.g., Chamber of Commerce, Rotary, Kiwanis) to build partnerships.
- Hosting networking events where community leaders can discuss local needs and how the library can help.
- Ensuring local employers know about literacy and workforce development programs.
- Utilizing media opportunities such as radio spots, newspaper articles, and public service announcements.

Reaching Current Library Users

Library users are natural advocates—if they know about all the services available. Marketing strategies to increase engagement include:

- Encouraging staff to share information directly with patrons, helping spread awareness through personal recommendations.
- Highlighting lesser-known services through signage, flyers, and social media.
- Creating “Did You Know?” lists to showcase digital resources, genealogy materials, interlibrary loan, and more.
- Distributing event calendars at the circulation desk, in restroom stalls, and on social media.
- Hosting user-centered events that encourage deeper library engagement.

Reconnecting with Lapsed Users

People who have used the library in the past but haven't visited recently may need a reminder of what's available. To bring them back:

- Promote services that fit their lifestyles, such as free Wi-Fi, streaming media, and digital learning tools.
- Advertise in community newspapers to reach those who may not follow the library's website or social media.
- Partner with schools to send home library information with students.
- Offer specialized programs, such as tax assistance, career workshops, and technology training.

Attracting Non-Users

Reaching those who have never used the library requires broad, creative marketing and outreach. Strategies include:

- Using community events to promote library services in unexpected places (e.g., farmers' markets, festivals, health fairs).
- Emphasizing free entertainment, such as movies, audiobooks, and cultural programs.
- Partnering with organizations that serve non-users, such as social service agencies and faith-based groups.
- Investing in digital marketing, including targeted social media ads, and search engine promotions.

Section III – Strengthening Library Branding & Visibility

Marketing isn't just about programs—it's about building a recognizable and trusted brand.

Libraries should:

- Maintain a well-designed website that is mobile-friendly and easy to navigate.
- Develop a strong social media presence, with a clear posting schedule and engaging content.
- Create high-quality promotional materials, including flyers, short videos, and infographics.
- Ensure staff and trustees are effective ambassadors, trained to communicate the library's value.

By taking a proactive, strategic approach, libraries can ensure that every community member understands, values, and uses their services.

FUNDRAISING

Fundraising is a powerful tool that allows libraries to enhance their programs, expand their collections, and serve their communities more deeply. When Trustees and staff embrace fundraising with clarity and purpose, it can open doors to exciting new opportunities. Many successful libraries have integrated fundraising into their culture, resulting in meaningful improvements that benefit patrons of all ages.

Just as a thriving garden needs both sunshine and water, even a well-supported library can grow more vibrant with additional resources. Community fundraising is not a replacement for stable public funding, but it is a strong supplement. When done well, it visibly elevates the library's impact.

Individuals make up the largest share of charitable giving in the United States—more than two-thirds of all donations. Foundations contribute about 21%, bequests 9.1%, and corporations nearly 6%. The foundation of fundraising success lies in cultivating individual donors. People from all income levels give, and interestingly, lower-income households often give a greater percentage of their income than wealthier ones.

People donate to causes they care about, and they give when they are asked. If your library isn't making the ask, another organization will. Donors are also more likely to give again if they feel appreciated and see the impact of their gift.

Fundraising is not about asking for money just because the library wants more. It's about articulating a clear need and connecting that need to a tangible community benefit. Donors want to know how their contribution will make a difference.

It's important to note that fundraising is not the solution to basic operational gaps like paying staff or utility bills. If the library is struggling to meet its core budget, the board should focus on increasing public funding.

According to [K.S.A. 12-1225](#), library boards have the authority to receive and accept any gift or donation.

As a Trustee, one of the most valuable roles you play is sharing the library's story. That doesn't mean constantly asking friends and family for donations. It means talking about why you support the library, highlighting its impact, and educating your network about its value. Many people simply don't realize how essential libraries are to community well-being.

Recent research from United for Libraries shows that libraries are more than service providers—they are pillars of community strength. In a world of digital overload and disappearing public spaces, libraries offer a welcoming place to learn, connect, and thrive. Pair data with personal stories to help illustrate the library's value.

Community Foundations

Across the country, communities are embracing philanthropy as a way to enrich quality of life. One of the most effective vehicles for this is a community foundation—a public charity focused on supporting a specific geographic area. These foundations manage and distribute charitable funds to support local nonprofits, including libraries.

A common tool offered by community foundations is the donor-advised fund. This is like a charitable investment account. Donors contribute to the fund, receive an immediate tax deduction, and later recommend grants to the organizations they care about.

Learn more about community foundations in Kansas at: <https://kansascfs.org/>

Library Giving Day

Library Giving Day takes place each April during National Library Week. It's a focused, nationwide effort to inspire donations to public libraries. To participate, your library must have a secure way to accept online credit card donations.

Maximize success by using a multi-channel strategy. Coordinate direct mail, email campaigns, and social media posts. Repetition is key. Start with a "Save the Date" notice a few weeks ahead of time. A matching gift from a donor or foundation can significantly boost participation.

Visit <https://librarygivingday.org> to access toolkits and planning resources.

Section I – Effective Fundraising Techniques

Direct Mail – Sending letters, postcards, or flyers directly to patrons can be an effective way to share news and promote services. Keep messages concise, use bullet points or brief stories, and make the opening and closing stand out. Postcards are especially useful for being cost-effective and visually engaging.

Suggested format:

- Introduce who you are and why you're writing
- Make a direct ask in the first paragraph
- Share key reasons to give
- Repeat the ask in the final paragraph
- Use the postscript (P.S.) for a final compelling point

Capital Campaigns – Donors are more likely to give larger amounts for specific, one-time needs such as a renovation or expansion. Success depends on strong community support and the library's positive reputation.

Memorial Gifts – Many people want to honor loved ones while contributing to the future. Keep the library top-of-mind by building long-term visibility for memorial giving, such as naming a reading room, funding a collection, or supporting a specific program in memory of a loved one.

Book Sales – When organized as annual or biennial events, book sales using discarded library materials and donated books can generate substantial funds and create a beloved community tradition.

Events – Auctions, raffles, and wish lists can attract attention and be fun, but they are often less efficient. Be mindful of time and cost—events should not be the primary fundraising method.

One-on-One Meetings with Donors – The most effective way to raise large gifts is through personal meetings. These require research, preparation, and confidence. Bring a concise flyer with your message, make a clear ask, and then pause. Listen. Thank the donor regardless of the outcome. Follow up with additional information if needed.

Enthusiasm and sincerity matter. Do your homework. Learn if the donor has supported the library or similar causes. Not all library users are financial supporters, and not all wealthy individuals know the library's impact. Be prepared to educate and inspire.

Monthly Giving Programs – If your library can accept recurring credit card or check donations, monthly giving is a strong strategy. It allows broader participation, especially from younger

donors. Over time, small monthly gifts can add up significantly. Steward these donors carefully—they are often your best prospects for major or planned gifts.

Good Prospects for Fundraising Include:

- Civic-minded businesses
- Local clubs and organizations
- Wealthy individuals with library ties
- Existing donors
- Friends group members
- Frequent library users
- Local leaders and elected officials

Planned Giving – Planned gifts are contributions made through estate or financial planning. These can include gifts of property, stock, life insurance, or cash.

For certain donors, a *Qualified Charitable Distribution (QCD)* from an IRA can also be a way to support the library. Individuals age 70½ or older may direct up to a set annual amount from their IRA to a qualified charity. QCDs can count toward required minimum distributions and may provide tax advantages.

Because these rules are complex, donors should always consult their financial advisor before making such a gift.

Section II – Gift Receipting and Saying Thank You

Gift Receipting

Proper documentation of charitable gifts is not only good stewardship—it's a legal requirement. According to IRS Publication 1771, *Charitable Contributions – Substantiation and Disclosure Requirements*, donors must obtain a written acknowledgment from a charity for any single contribution of \$250 or more in order to claim a tax deduction.

As a library board, it is your responsibility to ensure that these acknowledgments are issued promptly, accurately, and in compliance with the law. The acknowledgment should include:

- The name of your library as the recipient organization
- The amount of the gift (if cash) or a description of any non-cash donation
- A statement confirming whether or not goods or services were provided in exchange for the gift

For more details, refer to the IRS guidelines at: <https://www.irs.gov/pub/irs-pdf/p1771.pdf>

Saying Thank You

Saying thank you is not just a courtesy—it's a cornerstone of successful fundraising. Libraries that consistently express appreciation build a reputation for being welcoming and grateful, which in turn encourages continued and increased giving.

Every donation, regardless of size, should be acknowledged. The tone should be sincere and personal. Avoid form letters, particularly in small or close-knit communities. A handwritten note, a phone call, or a personalized email can make a lasting impression.

For major gifts, consider multiple expressions of gratitude. Donors who feel truly valued are more likely to continue their support. Hosting an **annual appreciation event**, such as a dinner or reception, can be a meaningful way to celebrate your donors. Small tokens of appreciation—plaques, certificates—can go a long way in making supporters feel seen and appreciated.

It's especially powerful when multiple voices express thanks. When Trustees, library staff, and Friends all take part in acknowledging a donor, it sends a strong message: this gift matters, and the community is grateful.

Thoughtful appreciation gives your library an edge. Many organizations are asking for donations—but few take the time to thank donors in a way that feels authentic and memorable.

Section III – Planning, Patience, and Perseverance

Planning, patience, and perseverance are the pillars of successful fundraising.

Planning means documenting your needs, setting clear goals, identifying your audience, and outlining your strategy. It also includes planning how you will thank and steward your donors. Investing time upfront in planning will increase your likelihood of success.

Patience is essential. Building a culture of philanthropy doesn't happen overnight. Fundraising is a long game. Whether your goal is to supplement tax support or prepare for a capital project, progress takes time.

Perseverance is what keeps the effort going. Not every ask will result in a gift, and not every campaign will exceed expectations. But each step forward builds experience, trust, and community support. Even setbacks provide valuable lessons.

By approaching fundraising with thoughtfulness and commitment, Trustees and library leaders can open the door to greater resources—and a stronger future—for their library and community.

Appendix A: Sample Bylaws

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 V: Four members shall constitute a quorum for the transaction of business. In the absence of the chair and vice-chair of the Board, the members present shall elect a temporary chair. Members with more than two unexcused absences from meetings will be considered inactive and informed in writing that a replacement appointment to the board will be sought.

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

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

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

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

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

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

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

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

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

Appendix B: Referenced Kansas Statutes

KSAs are updated to the most current version as of 2025. See the Kansas Office of Revisor of Statutes website (ksrevisor.org).

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.

12-1217. 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.

12-1220. 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.

12-1222. City, county and township libraries; board; appointment; terms; eligibility; vacancies; expenses. Subject to the provisions of K.S.A. 2019 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.

(b) In Johnson county, the treasurer of the library board shall give bond, in an amount fixed by the library board and approved by the board of county commissioners for the safekeeping and due disbursement of all funds that may come into the treasurer's hands. The bond shall be filed with the county clerk. Except where otherwise provided by law, the treasurer of the library board shall pay over to the county treasurer all funds collected for the maintenance of the library, with the exception of gifts and nongovernmental grants. The treasurer of the library board shall keep an accurate record of all moneys received along with its source and those moneys disbursed to the county treasurer. The funds of such library board in the hands of the county treasurer shall be maintained in a separate library fund and any interest payable thereon shall be added to that fund. The administration of such fund shall be with the county treasurer who shall pay out moneys from the fund upon orders signed by the chairperson of the board of county commissioners and the county clerk or their designees.

(c) In Wyandotte county, the director of revenue of the unified government shall not pay over to the treasurer of the library board moneys collected for the maintenance of the library. The director of revenue shall maintain such moneys in a separate library fund. Any interest attributable to library moneys shall be deposited in the library fund. All moneys from gift, grants, donations or bequests to the library also shall be deposited in the library fund. The director of revenue shall administer the library fund and shall pay out moneys from the library fund, upon approval of the library board, and on orders signed by the chairperson and the treasurer of the library board or other authorized officers of the library board.

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. [72-1419](#), 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. 2019 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. 2019 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: (1) Every audio or video recording made and retained by law enforcement using a body camera or vehicle camera as defined by K.S.A. 2019 Supp. [45-254](#), and amendments thereto; and (2) 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. 2019 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, 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; or (B) any municipal judge, judge of the district court, judge of the court of appeals or justice of the supreme court.

(g) (1) "Public record" means any recorded information, regardless of form, characteristics or location, which is made, maintained or kept by or is in the possession of:

(A) Any public agency; or

(B) any officer or employee of a public agency pursuant to the officer's or employee's official duties and which is related to the functions, activities, programs or operations of any public agency.

(2) "Public record" shall include, but not be limited to, an agreement in settlement of litigation involving the Kansas public employees retirement system and the investment of moneys of the fund.

(3) Notwithstanding the provisions of subsection (g)(1), "public record" shall not include:

(A) Records which are owned by a private person or entity and are not related to functions, activities, programs or operations funded by public funds. As used in this subparagraph, "private person" shall not include an officer or employee of a public agency who is acting pursuant to the officer's or employee's official duties;

(B) 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; or

(C) 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 subparagraph shall not apply to records of employers of lump-sum payments for contributions as described in this subparagraph 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 [ensure] 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. 2019 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) (1) 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 that 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.

(2) As used in this subsection, 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.

(h) Except for requests of summary data compiled from information submitted by multiple law enforcement agencies or as otherwise provided by law, requests for records submitted to the Kansas asset seizure and forfeiture repository that are maintained by the Kansas bureau of investigation pursuant to K.S.A. 2019 Supp. [60-4127](#), and amendments thereto, shall be directed to the law enforcement agency from which the records originated.

(i) Requests for records defined as "files" pursuant to K.S.A. [75-4379](#), and amendments thereto, submitted to a state or local law enforcement agency or governmental agency shall be directed to the state or local law enforcement agency or governmental agency that made, maintained or kept such files, as required by K.S.A. [75-4379](#), 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. [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. [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. 2019 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. [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. 2019 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."

72-1419. 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.

72-1420. Same; tax levy. (a) In order to maintain and support a library authorized by K.S.A. [72-1419](#), 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 $\frac{1}{4}$ 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 \$500,000 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 and the governing body of all other municipalities either having aggregate annual gross receipts in excess of \$500,000 or which has general obligation or revenue bonds outstanding in excess of \$500,000 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.

(b) The governing body of every municipality, except school districts, having aggregate annual gross receipts in excess of \$275,000, but not more than \$500,000, or which has general obligation or revenue bonds outstanding in excess of \$275,000, but not more than \$500,000, shall have its accounts examined by a licensed certified public accountant or accountants using agreed-upon procedures as determined by the director of accounts and reports at least once each year. Each municipality subject to this subsection shall have its accounts examined using enhanced agreed-upon procedures at least once every three years.

(c) The governing body of any city of the third class required to have its accounts examined or audited pursuant to the provisions of this section shall annually determine the total cost to be incurred by the city in complying with the requirements of this act and shall identify the same in the budget of the city.

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).

(c) K.S.A. 75-4317 through [75-4320a](#) shall be known and may be cited as the open meetings act.

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: (1) A statement describing the subjects to be discussed during the closed or executive meeting; (2) the justification listed in subsection (b) for closing the meeting; and (3) the time and place at which the open meeting shall resume. The complete motion 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) Justifications for recess to a closed or executive meeting may only include the following, the need:

(1) To discuss personnel matters of nonelected personnel;

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

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

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

(5) to discuss 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) for the preliminary discussion of the acquisition of real property;

(7) to discuss matters relating to parimutuel racing permitted to be discussed in a closed or executive meeting pursuant to K.S.A. [74-8804](#), and amendments thereto;

(8) to discuss matters relating to the care of children permitted to be discussed in a closed or executive meeting pursuant to K.S.A. 2019 Supp. [38-2212](#)(d)(1) or [38-2213](#)(e), and amendments thereto;

(9) to discuss matters relating to the investigation of child deaths permitted to be discussed in a closed or executive meeting pursuant to K.S.A. [22a-243](#)(j), and amendments thereto;

(10) to discuss matters relating to patients and providers permitted to be discussed in a closed or executive meeting pursuant to K.S.A. [39-7,119](#)(g), and amendments thereto;

(11) to discuss matters required to be discussed in a closed or executive meeting pursuant to a tribal-state gaming compact;

(12) to discuss 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;

(13) to discuss matters relating to maternity centers and child care facilities permitted to be discussed in a closed or executive meeting pursuant to K.S.A. [65-525\(d\)](#), and amendments thereto;

(14) to discuss matters relating to the office of inspector general permitted to be discussed in a closed or executive meeting pursuant to K.S.A. [75-7427](#), and amendments thereto; and

(15) for the governor's domestic violence fatality review board to conduct case reviews.

(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) Any confidential records or information relating to security measures provided or received under the provisions of subsection (b)(12), 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, except cities and counties; requirement of majority vote by governing body, when; publication. (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. [72-5142](#), and amendments thereto, and any other ad valorem tax levy which was previously approved by the voters of such municipality. 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 proposed increase with a majority vote of the governing body by the adoption of a resolution and publishes its vote to approve the appropriation or budget including the increase 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;

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