

Filling Your Library Board Vacancy

Kentucky Department for Libraries and Archives (KDLA)

October 2023

Overview

- ▶ The step-by-step nomination and appointment process according to founding statute
- ▶ Eligibility requirements for trustees
- ▶ KDLA resources

The background features abstract geometric shapes in various shades of blue and red, creating a modern, layered effect. The shapes are primarily triangles and polygons, some overlapping, set against a white central area.

Filling a board vacancy by founding statute

Filling a Board Vacancy

- ▶ The process that your library follows to appoint a trustee is determined by the Kentucky Revised Statute (KRS) under which your library was founded.
- ▶ You can find your library's founding statute and appointment procedures in the Appendix of the KDLA Trustee Manual on the KDLA trustee webpage.

<https://kdla.ky.gov/Library-Support/Trustees/Pages/default.aspx>

Filling a Board Vacancy

KRS 173.300

For the following county libraries established as units of local government under KRS 173.300, the appointment process is on the next slide:

- ▶ Barren
- ▶ Crittenden
- ▶ Elliott
- ▶ Fayette
- ▶ Hardin
- ▶ Knott

Filling a Board Vacancy

KRS 173.300

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

Filling a Board Vacancy

KRS 173.450 and 173.710

The majority of public libraries in Kentucky were established under KRS 173.450 or KRS 173.710. The following slides list those counties.

Filling a Board Vacancy

KRS 173.450 and 173.710

KRS 173.450

- ▶ Bath
- ▶ Boone
- ▶ Carroll
- ▶ Clay
- ▶ Fleming
- ▶ Floyd
- ▶ Fulton
- ▶ Gallatin
- ▶ Graves
- ▶ Harlan
- ▶ Harrison
- ▶ Lawrence
- ▶ Lewis
- ▶ Lincoln
- ▶ Magoffin
- ▶ Muhlenberg
- ▶ Nicholas
- ▶ Ohio
- ▶ Robertson
- ▶ Rockcastle
- ▶ Simpson

Filling a Board Vacancy

KRS 173.450 and 173.710

KRS 173.710

- ▶ Adair
- ▶ Allen
- ▶ Anderson
- ▶ Bell
- ▶ Bourbon
- ▶ Boyd
- ▶ Boyle
- ▶ Breathitt
- ▶ Breckinridge
- ▶ Bullitt
- ▶ Butler
- ▶ Caldwell
- ▶ Calloway
- ▶ Campbell
- ▶ Casey
- ▶ Clark
- ▶ Clinton
- ▶ Cumberland
- ▶ Edmonson
- ▶ Estill
- ▶ Franklin
- ▶ Garrard
- ▶ Grant
- ▶ Grayson
- ▶ Green
- ▶ Greenup
- ▶ Hancock
- ▶ Hart
- ▶ Henderson
- ▶ Henry
- ▶ Jackson
- ▶ Jessamine
- ▶ Johnson
- ▶ Kenton
- ▶ Knox
- ▶ LaRue
- ▶ Laurel
- ▶ Lee
- ▶ Leslie

Filling a Board Vacancy

KRS 173.450 and 173.710

- ▶ Letcher
- ▶ Logan
- ▶ Lyon
- ▶ Marion
- ▶ Marshall
- ▶ Martin
- ▶ Mason
- ▶ McCreary
- ▶ Meade
- ▶ Menifee
- ▶ Mercer
- ▶ Metcalfe
- ▶ Monroe
- ▶ Montgomery
- ▶ Morgan
- ▶ Nelson
- ▶ Oldham
- ▶ Owen
- ▶ Owsley
- ▶ Pendleton
- ▶ Perry
- ▶ Pike
- ▶ Powell
- ▶ Pulaski
- ▶ Rowan
- ▶ Russell
- ▶ Scott
- ▶ Shelby
- ▶ Spencer
- ▶ Taylor
- ▶ Todd
- ▶ Trimble
- ▶ Union
- ▶ Washington
- ▶ Wayne
- ▶ Webster
- ▶ Whitley
- ▶ Wolfe
- ▶ Woodford

Filling a Board Vacancy

KRS 173.450 and 173.710

- ▶ KDLA follows the procedures for filling board vacancies as set out in statute.
- ▶ Statute changes effective January 1, 2023, include the addition of an alternative appointment process option.
- ▶ There are different procedures depending on if the vacant board term is expired or unexpired and if the fiscal court has adopted the alternative appointment process or not. If you are unsure if the term is expired or unexpired, contact KDLA at kdlatrusteeappointments@ky.gov.

Filling a Board Vacancy

KRS 173.450 and 173.710 - Expired Term

1. For each vacancy of an expired board term, the board solicits applications/nominations. The library board selects two names of individuals from the pool of applicants/nominations who are committed to the provision of library service and reside in the county in which the vacancy occurs.
2. The names are submitted to KDLA using the online Trustee Nomination Form For Expired Terms. <https://kdla.ky.gov/Library-Support/Trustees/Pages/default.aspx>
3. The State Librarian and Commissioner reviews the qualifications of the nominees to ensure they are eligible to serve in accordance with the term limits set forth in KRS 173.490(1)(c) or KRS 173.730(1)(c).
4. If one or more of the individuals is not qualified, the State Librarian and Commissioner may notify the library director and request another name from the library board. Upon request, the library board shall submit another name.
5. KDLA shall send the names of two qualified individuals to the local County Judge/Executive (CJE) by letter with term dates included. The next step in the process is determined by whether the fiscal court has adopted the alternative process set forth in KRS 173.490(1)(b) or KRS 173.730(1)(b).

Filling a Board Vacancy

KRS 173.450 and 173.710 - Expired Term

No Alternative Appointment Process Adopted

1. The CJE is required to select one name and submit it to the fiscal court for approval.
2. If the fiscal court approves the nominee, the newly appointed trustee takes the Oath of Office before an appropriate official.
3. If the fiscal court rejects the nominee, the CJE may submit the second name to the fiscal court for approval. If the fiscal court approves, the newly appointed trustee takes the Oath of Office before an appropriate official.
4. If the fiscal court rejects the second nominee, the fiscal court may adopt the alternative appointment process set forth in KRS 173.490(1)(b)(1) or KRS 173.730(1)(b)(1).
5. If the fiscal court rejects the second nominee and does not adopt the alternative process, the CJE should consult with legal counsel to determine what appointment authority they may have under KRS Chapter 67.700 *et seq.*
6. The CJE shall notify KDLA of the name of any individual appointed.

Filling a Board Vacancy

KRS 173.450 and 173.710 - Expired Term

Alternative Appointment Process Adopted

- a. The CJE may select one of the names and submit the nominee to the fiscal court for approval.
 - i. If the CJE selects a name and the fiscal court approves the nominee, the newly appointed trustee takes the Oath of Office before an appropriate official; or
 - ii. If the fiscal court rejects this nominee, the CJE may submit the second name to the fiscal court.
 - iii. If the fiscal court approves the second name, the newly appointed trustee takes the Oath of Office before an appropriate official; or
 - iv. If the fiscal court rejects the second nominee, the CJE shall send written notification to KDLA.
 - v. Within 30 days of receipt of notification, KDLA shall select two new names of qualified individuals, from the applications previously submitted or KDLA may solicit additional applications as needed and send those names to the CJE.

Filling a Board Vacancy

KRS 173.450 and 173.710 - Expired Term

Alternative Appointment Process Adopted

- vi. The CJE, within 30 days of receipt of the names, may immediately select one of the names and submit the nominee to the fiscal court for approval.
 - 1. If the fiscal court approves the nominee, the newly appointed trustee takes the Oath of Office before an appropriate official.
 - vii. If the fiscal court rejects the nominee, the CJE may submit the other name or select a nominee of his or her choosing and submit the nominee to the fiscal court for approval.
 - viii. If the fiscal court approves the nominee, the newly appointed trustee takes the Oath of Office before an appropriate official.
 - ix. If the fiscal court rejects the nominee, the CJE has 30 days to nominate a qualified person of his or her choosing. This step may be repeated until the fiscal court approves a nominee.
- b. The CJE shall notify KDLA of the name of any individual appointed.

Filling a Board Vacancy

KRS 173.450 and 173.710 - Unexpired Term

1. The local library board shall notify the state librarian and commissioner of the vacancy using the online Trustee Nomination Form For Unexpired Terms. <https://kdla.ky.gov/Library-Support/Trustees/Pages/default.aspx>
2. The state librarian and commissioner shall solicit applications/nominations from the area which the library serves, review the qualifications of the nominees to ensure they are eligible to serve in accordance with the term limits set forth in KRS 173.490(1)(c) or KRS 173.730(1)(c), and select two names of qualified individuals.
3. KDLA shall send the names to the local County Judge/Executive (CJE) by letter with term dates included. The next steps are determined by whether the fiscal court has adopted the alternative process set forth in KRS 173.490(2) or KRS 173.730(2).

Filling a Board Vacancy

KRS 173.450 and 173.710 - Unexpired Term

No Alternative Appointment Process Adopted

1. The CJE is required to select one name and submit it to the fiscal court for approval.
2. If the fiscal court approves the nominee, the newly appointed trustee takes the Oath of Office before an appropriate official.
3. If the fiscal court rejects the nominee, the CJE may submit the second name to the fiscal court for approval. If the fiscal court approves, the newly appointed trustee takes the Oath of Office before an appropriate official.
4. If the fiscal court rejects the second nominee, the fiscal court may adopt the alternative appointment process set forth in KRS 173.490(2)(a) or KRS 173.730(2)(a).
5. If the fiscal court rejects the second nominee and does not adopt the alternative process, the CJE should consult with legal counsel to determine what appointment authority they may have under KRS Chapter 67.700 *et seq.*
6. The CJE shall notify KDLA of the name of any individual appointed.

Filling a Board Vacancy

KRS 173.450 and 173.710 - Unexpired Term

Alternative Appointment Process Adopted

- a. The CJE may select one of the names and submit the nominee to the fiscal court for approval.
 - i. If the CJE selects one of the names, the fiscal court approves the nominee, the newly appointed trustee takes the Oath of Office before an appropriate official; or
 - ii. If the fiscal court rejects this nominee, the CJE may submit the second name to the fiscal court.
 - iii. If the fiscal court approves the second name, the newly appointed trustee takes the Oath of Office before an appropriate official; or
 - iv. If the fiscal court rejects the second nominee, the CJE shall send written notification to KDLA.

Filling a Board Vacancy

KRS 173.450 and 173.710 - Unexpired Term

Alternative Appointment Process Adopted

- v. Within 30 days of receipt of notification, KDLA shall select two new names of qualified individuals, from the applications previously submitted or KDLA may solicit additional applications as needed and send those names to the CJE.
- vi. The CJE, within 30 days of receipt of the names, may immediately select one of the names and submit the nominee to the fiscal court for approval.
 - 1. If the fiscal court approves the nominee, the newly appointed trustee takes the Oath of Office before an appropriate official.
- vii. If the fiscal court rejects the nominee, the CJE may submit the other name or select a nominee of his or her choosing and submit the nominee to the fiscal court for approval.

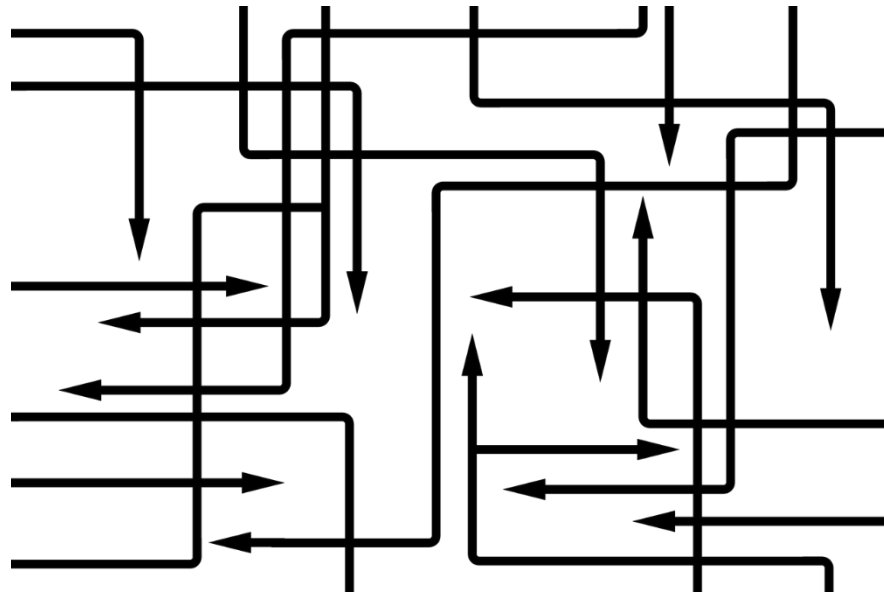
Filling a Board Vacancy

KRS 173.450 and 173.710 - Unexpired Term Alternative Appointment Process Adopted

- viii. If the fiscal court approves the nominee, the newly appointed trustee takes the Oath of Office before an appropriate official.
 - ix. If the fiscal court rejects the nominee, the CJE has 30 days to nominate a qualified person of his or her choosing. This step may be repeated until the fiscal court approves a nominee.
- b. The CJE shall notify KDLA of the name of any individual appointed.

It's complicated

For libraries founded under KRS 173.450 and 173.710 the appointment process can get a bit complicated. Please remember, the procedures we just covered are found in the Appendix of the KDLA Trustee Manual and you can reach out to KDLA staff with questions as you move through the process.



Filling a Board Vacancy

KRS 65.180, 65.210, 67.715

For libraries established under statutes other than KRS 173.300, 173.450 or 173.710, please consult your library attorney if you have questions about your board appointment process.

- ▶ Libraries established under [KRS 65.180](#): (Bracken, Madison, Trigg)
- ▶ Libraries established under [KRS 65.210](#): (Ballard and Carlisle, Carter, Christian, Hickman, Hopkins, Jefferson, Livingston)
- ▶ Libraries established [KRS 67.715](#): (Davies, McCracken, McLean, Warren)

Board Bylaws

For libraries founded under KRS 173.450 and 173.710, KDLA recommends that libraries review their current board bylaws and update or add provisions concerning filling board vacancies as needed.

Important Reminders

- ▶ For expired terms, the appointed member of the library board shall continue to serve until a successor is appointed. KRS 65.008(2)
- ▶ For expired terms, KDLA will send a reminder to the library director three to four months in advanced of a vacancy.
- ▶ The library board is expected to have the two nominees for the expired vacancy sent to the state librarian and commissioner who will provide them to the County Judge/Executive 60 days in advance of the vacancy. KRS 65.008

Important Reminders

- ▶ KDLA has been advised that KRS 67.710(9) concerning a timeline for filling a board vacancy applies to any vacancy on a library board (expired or unexpired) except for those libraries established under KRS 173.300.
- ▶ After the appointment is made, please make sure that the County Judge/Executive or mayor's office sends a copy of the letter of appointment or the minutes of the fiscal court or council meeting to KDLA.

Send proof of appointment to:

kdlatrusteeappointments@ky.gov

Commissioner's Office
Kentucky Department for Libraries and Archives
P. O. Box 537
Frankfort, KY 40602-0537

Eligibility Requirements

Eligibility Requirements

- ▶ The following slides list Kentucky Revised Statutes (KRS) related to eligibility requirements for serving as a member of a library board of trustees.
- ▶ Please remember, whether a particular statute applies to your library may depend on your library's founding statute.
- ▶ The statutes listed may not encompass all eligibility requirements.
- ▶ Please consult with your library attorney to determine eligibility requirements for serving as a member of your library board of trustees.

Eligibility Requirements

- ▶ Except for the initial establishment or filling unexpired terms, trustees may serve for two consecutive four-year terms after which they shall not succeed themselves for at least one year.
KRS 173.340; 173.490; 173.730
- ▶ The trustee must reside in the county where the vacancy occurs.
KRS 173.340; 173.490; 173.730

Eligibility Requirements

- ▶ No board shall newly employ as a member of its library staff any member of the board or any person related closer than a second cousin to any member of the board. KRS 173.340; 173.510; 173.740
- ▶ No person is eligible to this office who is directly or indirectly interested in the sale to the library of books, magazines, supplies, equipment, materials, insurance, or services for which library funds are expended. KRS 173.340; 173.510; 173.740

Eligibility Requirements

- ▶ No person shall, at the same time, fill any two (2) appointed offices of special purpose governmental entities, as defined in KRS 65A.010, that each have the authority to levy taxes. KRS 61.080(5)
- ▶ No person shall, at the same time, fill any state office and an appointed office of a special purpose governmental entity that has the authority to levy taxes, unless a state statute specifically requires a person holding a state office to serve in an appointed office of a special purpose governmental entity that has the authority to levy taxes. KRS 61.080(6)

Eligibility Requirements

- ▶ The board, officers, and employees of each special purpose governmental entity shall be subject to the code of ethics of the establishing entity in which the special purpose governmental entity's principal business office is located. KRS 65A.070(1)(a)

KDLA Resources

Trustee Application

- ▶ KDLA strongly encourages your library to use an application process for selecting nominees. We have a trustee application on our trustee webpage.

<https://kdla.ky.gov/Library-Support/Trustees/Pages/default.aspx>

_____ County Public Library
Trustee Application

The Board of Trustees protects and advances the interests of the broader community by effectively governing the operations and promoting the development of the local public library. Applicants should be active and informed, participate fully in board meetings, respect fellow members and be a team player, understand the role of all involved, avoid conflicts of interest, advocate for the library, and provide the highest quality of service. Trustee terms are four years unless filling an unexpired term. This position requires attendance at monthly board meetings. This is an unpaid, volunteer position appointed by [local appointing authority].

Potential Incompatibility of Office:

- Are you related to any library employee closer than a second cousin? Yes ___ No ___
- Do you serve as an elected state or local official; or on a county board? Yes ___ No ___
- Do you own or work for a company that does business with the library? Yes ___ No ___

Additional information may be requested to confirm eligibility.

Name: _____

Home Address: _____

City: _____ State: _____ ZIP: _____

Nomination Forms

- ▶ There are two different nomination forms on KDLA's trustee webpage. <https://kdla.ky.gov/Library-Support/Trustees/Pages/default.aspx>
- ▶ One form should be used to submit nominees for expired terms, the other should be used to submit applications/nominees for unexpired terms.

Oath of Office

- ▶ Per KRS 62.020, the official oath for trustees may be administered by:
 - Any state or federal judge, Kentucky jurisdiction;
 - Any member of the Kentucky General Assembly;
 - Any County Judge/Executive, notary public, clerk of a court, or justice of the peace within his or her district or county.
- ▶ A signed copy of the Oath of Office should be kept at the library and on file at the County Clerk's Office KRS 62.020(2)(e).

Oath of Office

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 this Commonwealth, and be faithful and true to the Commonwealth of Kentucky so long as I continue a citizen thereof, and that I will faithfully execute, to the best of my ability, the office of Trustee of the _____ Public Library according to law; and I do further solemnly swear (or affirm) that since the adoption of the present Constitution, I, being a citizen of this State, have not fought a duel with deadly weapons within this State nor out of it, nor have I sent or accepted a challenge to fight a duel with deadly weapons, nor have I acted as second in carrying a challenge, nor aided or assisted any person thus offending, so help me God.

Signed _____
Trustee

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

Signed _____
Judge or Certifying Officer

Director Orientation

- ▶ KDLA recommends that newly appointed trustees be given an orientation by the library director. An example of what to cover during an orientation can be found on the trustee certification webpage.
<https://kdla.ky.gov/Library-Support/Trustees/Pages/Certification.aspx>

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Example Director Orientation Checklist

Before a trustee can become certified, they must take part in orientations conducted by the Library Director and the KDLA Regional Consultant. Below is an example of what could be covered during a director-led orientation.

1. The board president/designee or the library director will contact the new trustee to welcome him/her to the board and schedule the orientation session or sessions.
 - Board representative
 - Director
 - _____ (Date)
 - Trustee took the oath of office on _____ (Date).
2. The library director will share the following information with the new trustee:
 - A. These items could be handed to the trustee at the orientation:**
 - KY Public Library Trustee Manual*
 - List of board members, indicating terms of office and board officers, and committee members and advisory board members (if applicable)
 - Location, schedule, and conduct of meetings (sample agenda)
 - Board bylaws & policies

Regional Consultant Orientation

- ▶ New trustees should also receive an orientation covering general responsibilities of the office of trustee. This can be done by either the KDLA Regional Consultant or by viewing two orientation videos that are part of the Trustee Certification Program. An example of what is covered during an orientation with the KDLA Regional Consultant can be found on the trustee certification webpage. <https://kdla.ky.gov/Library-Support/Trustees/Pages/Certification.aspx>

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Example Regional Consultant Orientation Checklist

Before a trustee can become certified, they must take part in orientations conducted by the Library Director and the KDLA Regional Consultant. Below is an example of what would be covered during a Regional Consultant-led orientation. If the Consultant is unable to conduct an orientation, the trustee may watch the two Trustee Certification [orientation videos](#) on KDLA's website instead.

The regional consultant will share more detailed information on the following items:

- [What to Expect from KDLA's Regional Consultants](#)
- [KY Public Library Trustee Manual](#)
 - Library board statutory powers and duties
 - Board relationship to the library director, the library staff, and the community
 - KRS on library issues
 - Sample minutes
- [KDLA Organizational Chart](#) and [Regional Map](#)
- Trustee [page](#) on KDLA website
- Important Dates; including legal requirements and deadlines

Trustee Certification Program

- ▶ KDLA's voluntary certification program provides Kentucky public library trustees with the tools they need to fulfill their legal responsibilities to their libraries and communities.
- ▶ The library can encourage trustees to complete the certification program by adding it to the library's board bylaws.

Certification

This certification program provides Kentucky public library trustees with the tools they will need to fulfill their legal responsibilities to their libraries and communities.

Initial Certification

To apply for Initial Certification, trustees must complete the five courses listed below *and* complete orientations with the director and Regional Consultant. For suggestions on what could be covered during an orientation, see our [Example Checklists \(PDF\)](#). The first two orientation videos may be substituted for the Regional Consultant's orientation. Initial Certification is valid for four years.

Initial Certification Courses:

- Library Trustee and Director Roles [Regional Consultant orientation substitution]
- Conducting a Library Board Meeting [Regional Consultant orientation substitution]
- Governance of Kentucky Public Libraries
- Strategic Planning and Library Advocacy
- Fiscal Responsibility

KDLA Trustee Manual

- ▶ Procedures for filling your board vacancies and a lot more information can be found in KDLA's Trustee Manual on our trustee webpage.
<https://kdla.ky.gov/Library-Support/Trustees/Pages/default.aspx>.

Trustee Self Assessment

- ▶ KDLA provides a trustee self assessment as a tool for a trustee to assess their level of knowledge about the library and items of special significance to trustees such as the library's strategic plan and board bylaws.

Library Trustee Self-Assessment (Done individually for your information only)

Please check the box for those statements you are in total agreement with.

- 1. I know the library's mission statement.
- 2. I am familiar with the library's strategic or long-range plan.
- 3. I am familiar with Kentucky state statutes that apply to libraries.
- 4. I visit my library frequently enough to be familiar with services and to see potential needs.
- 5. I refer any staff requests I receive to the library director.
- 6. I am willing to serve on library committees as needed.
- 7. I arrive for meetings on time and do not miss more than three meetings in a 12-month period.
- 8. I am familiar with the library's annual report.
- 9. I come to meetings having already read the information relevant to that meeting.
- 10. I understand and am comfortable with the board's decision-making process during meetings.
- 11. I willingly abide by majority board decisions and support them publicly.
- 12. I treat other board members with respect and listen openly to their opinions.

Library Board Profile Worksheets

- ▶ KDLA provides an individual and summary board profile worksheet to help identify current gaps and desired characteristics of your board.
- ▶ Each trustee completes the individual profile and returns it to a selected person for compilation into an anonymous summary profile to be shared with the Board. This summary profile can serve as a discussion piece for identifying gaps that the board may wish to fill.

Library Board Profile Worksheet – Summary

This tool helps to identify current gaps and desired characteristics of your board. Don't presume to know the complete skill set possessed by your board. Rather, have each trustee complete and return the individual profile to a selected person for compilation into a summary profile to be shared with the board. Names of individual trustees should not appear on the summary profile. The focus should be on skills and experiences rather than individuals. This summary profile should then serve as a discussion piece for identifying gaps that you wish to be filled.

CATEGORIES TO CONSIDER	CURRENT MEMBERS			NEW BOARD CANDIDATES			
	1	2	3	A	B	C	D
Areas of Expertise/Professional Skills:							
Organizational Management							
Finance							
Accounting							
Banking and Trusts							
Investments							
Fund Raising							
Law / Legal							
Marketing							
Public Relations							
Publicity							
Personnel / Human Resources							

Summary

- ▶ The process that your library follows to fill a board vacancy is determined by the Kentucky Revised Statute (KRS) that your library was founded under.
- ▶ For libraries founded under KRS 173.450 or KRS 173.710, there are different procedures depending on if the vacant board term is expired or unexpired and if the fiscal court has adopted the alternative appointment process or not. These procedures can be found in the Appendix of KDLA's Trustee Manual.
- ▶ There are certain eligibility requirements to keep in mind when selecting nominees.
- ▶ KDLA has resources to support and assist on our trustee webpage.
<https://kdla.ky.gov/Library-Support/Trustees/Pages/default.aspx>

Questions?

Contact KDLA at:

kdlatrusteeappointments@ky.gov

502-564-8303

Commissioner's Office

Kentucky Department for Libraries and Archives

P. O. Box 537

Frankfort, KY 40602-0537