

## Filling Board Vacancies

The process in which vacancies on the library board are filled is determined by the method the library was established.

For all expiring terms, the appointed member of the library board shall continue to serve until a successor is appointed. KRS 65.008(2).

County List by Founding Statute (and instructions for filling board vacancies)

**Libraries established as units of local government under section [KRS 173.300](#):**

(Barren, Crittenden, Elliott, Fayette, Hardin, Knott)

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.

**Libraries established under section [KRS 173.450](#):** (Bath, Boone, Carroll, Clay, Fleming, Floyd, Fulton, Gallatin, Graves, Harlan, Harrison, Lawrence, Lewis, Lincoln, Magoffin, Muhlenberg, Nicholas, Ohio, Robertson, Rockcastle, Simpson) **or under [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, 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)

### Vacancy for Expired Term

1. For each vacancy for an expired term, the library 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 the Kentucky Department for Libraries and Archives using the online Trustee Nomination Form For Expired Terms at: <https://kdla.ky.gov/Library-Support/Trustees/Pages/default.aspx>.
3. The state librarian and commissioner 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).
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 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)

A. No Alternative Appointment Process Adopted

1. The county judge/executive 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 county judge/executive 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 county judge/executive should consult with legal counsel to determine what appointment authority they may have under KRS Chapter 67.700 *et seq.*
6. The county/judge executive shall notify the Department for Libraries and Archives of the name of any individual appointed.

B. Alternative Appointment Process

If the fiscal court has adopted the alternative appointment process set forth in KRS 173.490(1)(b)(1) or KRS 173.730(1)(b)(1), the county judge/executive may select one of the names and submit the nominee to the fiscal court for approval.

- a. If the county judge/executive selects a name:
  - i. 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 county judge/executive 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 county judge/executive shall send written notification to KDLA.
  - v. Within thirty 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 county judge/executive.
  - vi. The county judge/executive, within thirty (30) days of receipt of the names, may immediately select one of the names and submit the nominee to the fiscal court for approval.<sup>1</sup>

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<sup>1</sup> Failure to act timely could have legal consequences that affect the county judge/executive's ability to make a nomination. The county judge/executive should seek legal counsel if they have questions about their duty to act.

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 county judge/executive 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 county judge/executive has thirty (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 county judge/executive shall notify KDLA of the name of any individual appointed.

### **Vacancy for 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 at: <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 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):

#### **A. No Alternative Appointment Process Adopted**

1. The county judge/executive 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 county judge/executive 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 county judge/executive should consult with legal counsel to determine what appointment authority they may have under KRS Chapter 67.700 *et seq.*
6. The county/judge executive shall notify the Department for Libraries and Archives of the name of any individual appointed.

#### **B. Alternative Appointment Process**

If the fiscal court has adopted the alternative appointment process set forth in KRS 173.490(2) or KRS 173.730(2), the county judge/executive may select one of the names and submit the nominee to the fiscal court for approval or may reject both names.

- a. If the county judge/executive selects one of the names:
  - i. 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 county judge/executive 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 county judge/executive shall send written notification to KDLA.
  - v. Within thirty days of receipt of notification, KDLA shall select two new names of qualified individuals and send the names to the county judge/executive. KDLA may make the selections from the applications previously submitted or it may solicit additional applications as needed and send those names to the county judge/executive.
  - vi. The county judge/executive, within thirty (30) days of receipt of the names, may immediately select one of the names and submit the nominee to the fiscal court for approval.<sup>2</sup>
    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 county judge/executive 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 county judge/executive has thirty (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 county judge/executive shall notify KDLA of the name of any individual appointed.

**For libraries established under another statute, please consult your library attorney if you have questions about your board appointment process.**

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

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<sup>2</sup> Failure to act timely could have legal consequences that affect the county judge/executive's ability to make a nomination. The county judge/executive should seek legal counsel if they have questions about their duty to act.

## Important Reminders

- KDLA will send a reminder to the library director three to four months in advance 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](#)
- 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 at the contact locations listed below:

Executive Administrative Secretary  
Commissioner's Office  
Kentucky Department for Libraries and Archives  
P. O. Box 537  
300 Coffee Tree Road  
Frankfort, KY 40602-0537  
502-564-8303  
Fax 502-564-5773  
[kdlatrusteeappointments@ky.gov](mailto:kdlatrusteeappointments@ky.gov)