

KDLA TRUSTEE TIP: When Libraries Are Asked for Donations

Library directors and trustees often find themselves in the difficult position of being approached by community organizations for donations to support activities and/or programs. While library boards are prohibited by statute from making outright donations, these requests can become valuable opportunities to create partnerships and expand library services.

Why Libraries Cannot Donate

Statute forbids libraries from making uncontrolled donations to organizations or individuals. Each of the four sections of library governing statutes contains a section restricting the use of library funds to strictly library purposes (see: KRS 193.070, KRS 173.360, KRS 173.520, and KRS 173.745).

Library boards, therefore, cannot simply donate funds to an organization or individual without the assurance that the funds will be spent for library purposes – often an impossibility.

The Kentucky Attorney General has issued several opinions on the matter of taxing authorities making donations, including:

- (OAG) 64-252, which found that a fiscal court could *not* donate to a chamber of commerce for a folk festival;
- (OAG) 79-129, in which the AG's office found that a fiscal court could *not* donate funds for a high school band trip;
- (OAG) 85-99 the AG's office found that a fiscal court could *not* donate funds to volunteer fire departments in different cities within the county.

Purchase Versus Donation

A purchase from an organization or individual, however, may be permissible so long as the purchase is reasonable and will promote the library's mission or provide for or support library operations. These purchases must not require the library to pay more than the reasonable rate for services or goods. Examples of purchases from local organizations that may be permissible include:

- advertising in a school yearbook;
- advertising in an athletic program or on athletic uniforms;
- the purchase of plants for library landscaping from a school greenhouse.

A Partnership Opportunity

A request for a donation may be out of the question for a library board, but such requests sometimes become an opportunity for libraries to expand services and create partnerships. While a library could not, for instance, donate funds to a folk festival, a library could purchase an advertisement in the festival program, or put on a folk tales story time, complete with a presenter, during the festival. Purchases or partnerships such as these allow the library to contribute to community organizations and events while also providing library services and/or promoting library services. The key to making such requests for funds work as partnerships is to have a policy that allows the director and/or board to evaluate requests for the possibility of providing library services or programming or otherwise furthering the library's mission. A community partnerships policy is available on the KDLA website.

This Trustee Tip is not intended as legal advice. If you feel you need legal advice, please consult an attorney.