

Trustee Tip/January 2016

Can Public Library Trustees Serve on Other Local Boards?

When it's time to fill a board vacancy, many public library boards have questions about potential board members who serve as members on other local boards or in an official capacity in a county or other local government office. Whether a public library trustee can serve in other local offices is determined by Kentucky statute.

“Incompatible Offices”

The Kentucky Revised Statutes (KRS) identify a number of “incompatible offices,” or instances in which a person serving on more than one local board or elected position is considered a conflict. Libraries in Kentucky that were formed under statutes that give them authority to levy taxes are considered special purpose governmental entities (SPGE); incompatible offices and SPGEs are addressed in KRS 61.080 (5) which states “no person shall, at the same time, fill any two (2) appointed offices of special purpose governmental entities, as defined in KRS 65 A.010, that each have the authority to levy taxes.”

County or Municipal Offices and Library Boards

Elected or appointed county and municipal offices are also addressed by Kentucky Statute. KRS 61.080 (3) forbids concurrent service to both a county office and a municipality. The Kentucky Attorney General has historically held that libraries with taxing authority were considered “other” municipalities within the Kentucky Constitution (OAG 66-589, OAG 75-696). County or municipal officers, such as an elected city official or a county attorney, therefore, would be ineligible to serve as library trustees. An elected school board member would also be ineligible to serve as a library trustee in a district with taxing authority (OAG 14-005).

Employees of SPGEs or County/Municipal Offices

An employee of one SPGE may serve as a board member of another, so long as the employee does not serve on the appointed board of more than one entity with taxing authority or otherwise violates the provisions of KRS 61.080.

Current Trustees Who Serve on Multiple Boards

Library trustees who were serving as trustees and as members of another SPGE board or school board prior to January 1, 2015 (when changes to KRS 61.080 took effect) may, in most cases, serve out their current terms. However, these trustees may not be reappointed to the library board (or reappointed/re-elected to another SPGE board or school board member position) without vacating the other position. After January 1, 2015, acceptance of reappointment to a library board position means vacating the office held in another SPGE or school board, or vice-versa (KRS 61.090)(OAG 14-005). This provision does not impact libraries operating under KRS 173.310 or who otherwise lack taxing authority.

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